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**United States
International
Trade
Commission
Annual
Report**

Fiscal Year 1994

(182)

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~~CONFIDENTIAL~~

The U.S. International Trade Commission is an independent, nonpartisan, quasi-judicial federal agency that provides trade expertise to both the legislative and executive branches of government, determines the impact of imports on U.S. industries, and directs actions against certain unfair trade practices, such as patent, trademark, and copyright infringement. ITC analysts and economists investigate and publish reports on U.S. industries and the global trends that affect them. The agency also maintains the National Library of International Trade, a specialized library open to the public.

JUN 14 1995



United States International Trade Commission Annual Report

Fiscal Year 1994

Commissioners:

**Peter S. Watson, Chairman
Janet A. Nuzum, Vice Chairman
David B. Rohr
Don E. Newquist
Carol T. Crawford
Lynn M. Bragg**

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USITC Publication 2873

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MESSAGE FROM THE CHAIRMAN

This past year was characterized by greater concern in the public and private sectors regarding the challenges of international trade and by a corresponding increase in the demands placed on the resources of the U.S. International Trade Commission (ITC).

As the government's "think tank" on international trade, we played a major part in the international trade community by providing counsel, technical assistance, and analysis to Congress and the executive branch on a wide variety of issues. In addition, our statutory investigations took on added dimensions as trade patterns continued to become more complex. In our research and adjudicative capacities, we were mindful of our responsibility to maintain the expertise necessary to keep pace with the dynamic world economy.

This past year saw significant changes in the world market—in particular, the signing of the Uruguay Round Agreements and the implementation of the North American Free Trade Agreement

(NAFTA)—along with growing interest in the economic effects on U.S. industry of the globalization of markets. The breadth of ITC studies completed and undertaken during the year reflects this heightened interest and showcases the wide-ranging expertise of ITC staff. In this regard, the Commission undertook efforts to expand its modeling capabilities by adding a global model to its in-house U.S. model. These models allow the Commission to assess the potential economic effects of various trade policy options.

The ITC carried a considerable investigative caseload during the past year. Title VII filings during the year nearly doubled from FY 1993 levels, with the majority of them concerning allegations of dumping. Section 337 investigations during the year covered a wide range of complex products and processes, including microelectronic devices, microwave filters for satellites, and recombinant DNA technology. The Commission also adopted new rules of practice and procedure that will

govern all section 337 investigations instituted after August 31, 1994.

The Commission's involvement in the work of the Customs Cooperation Council (now informally called the World Customs Organization or WCO) to update the Harmonized Tariff System continues. By April 1994, the system had been adopted by 75 countries, including the United States. The use of this tariff classification system facilitates the preparation of international trade documentation, the comparison of foreign trade statistics, and the negotiation of international trade agreements. The Commission staff has contributed to further improvement of the system through the development and representation of proposals which reflect the needs of the U.S. business community.

As 1994 ends, we welcome the opportunity to meet new challenges and we look forward to continuing to play a major part in the international trade community. We expect to perform our responsibilities with



a continued sense of dedication and commitment to the highest professional standards. For the Commission, problems and challenges have always been opportunities to broaden our expertise, sharpen our skills, and increase our efficiency. We look forward to more of the same in 1995.

A handwritten signature in dark ink, reading "Peter S. Watson".

Peter S. Watson
Chairman



THE COMMISSION

The ITC is an independent, nonpartisan, quasi-judicial federal agency established by Congress with a wide range of trade-related mandates. Under its factfinding authority, the ITC exercises broad investigative powers on matters of trade. In its adjudicative role, the ITC makes determinations with respect to unfair trade practices. As the government's think tank on international trade, the ITC is a national resource where trade data are gathered and analyzed. Information and analysis are provided to the President and the Congress to assist them in developing U.S. trade policy.

ITC activities include —

- determining whether U.S. industries are materially injured by reason of imports that benefit from pricing at less than fair value or from subsidization;
- directing actions, subject to Presidential disapproval, against unfair trade practices such as patent infringement;
- making recommendations to the President regarding relief for industries seriously injured by increasing imports;

- advising the President whether agricultural imports interfere with price-support programs of the U.S. Department of Agriculture;
- providing objective analyses of other major trade issues, including estimating the probable economic effects of trade agreements;
- analyzing the competitiveness of specific industries, seeking to identify economic factors within the industry as well as external factors that affect the industry's competitiveness; and
- participating in the development of uniform statistical data on imports, exports, and domestic production and in the establishment of an international harmonized commodity code.

The six Commissioners are appointed by the President and confirmed by the Senate for terms of nine years, unless appointed to fill an unexpired term. The terms are set by statute and are staggered so that a different term expires every 18 months. A Commissioner who has served for more than five

years is ineligible for reappointment. No more than three Commissioners may be members of the same political party. The Chairman and the Vice Chairman are designated by the President and serve for a statutory

two-year term. The Chairman may not be of the same political party as the preceding Chairman, nor may the President designate two Commissioners of the same political party as the Chairman and Vice Chairman.

Summary of Investigations Completed, Fiscal Year 1994

Tariff Act of 1930:

Section 332—general factfinding investigations	8
Section 337—investigations of alleged unfair practices in the import and sale of imported products	16
Antidumping and countervailing duty investigations (83 antidumping investigations—60 preliminary and 23 final; 13 countervailing duty investigations—10 preliminary and 3 final; Section 303 countervailing duty investigations— 2 preliminary and 0 final)	98
Section 751—review investigations	1

Trade Act of 1974:

Section 406—market disruption investigations	1
Sections 131 and 503—advice on possible trade agreements ...	1

Omnibus Trade and Competitiveness Act of 1988:

Section 1205—modifications to the Harmonized Tariff Schedule	2
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Agricultural Adjustment Act of 1933:

Section 22—import interference with agricultural programs ...	2
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Total	129
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Investigations completed during fiscal year 1994 and investigations pending on September 30, 1994, are shown in appendix A.

THE COMMISSIONERS

Peter S. Watson
Chairman



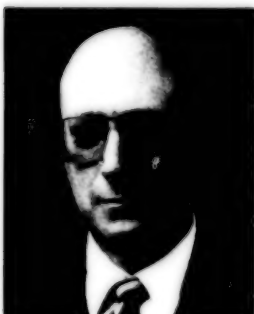
Peter S. Watson, a Republican of California, was designated Chairman of the ITC by President Clinton for the term June 17, 1994, through June 16, 1996, after serving as the ITC's Vice Chairman for the term June 17, 1992, through June 16, 1994. Mr. Watson was nominated to the Commission by President Bush on October 23, 1991, for the term December 17, 1991, through December 16, 2000. Prior to his appointment to the ITC, Mr. Watson served in the White House as Director of Asian Affairs at the National Security Council from 1989 to 1991. During 1976 and from 1978 through 1988, Mr. Watson practiced international and business law in Los Angeles and Washington, DC. He has been an adjunct Associate Professor in International Trade & Investment Law and International Business Law. From 1985 through 1986, Mr. Watson served as Chairman of the Los Angeles County Bar Association's International Law Section and, from 1986 through 1987, was Chairman of the State Bar of California's International Practice Committee.

Janet A. Nuzum
Vice Chairman



Janet A. Nuzum, a Democrat of Virginia, was designated Vice Chairman of the ITC by President Clinton for the term June 17, 1994, through June 16, 1996. She became a member of the Commission on November 26, 1991, to fill an unexpired term ending June 16, 1996. Prior to this appointment, Ms. Nuzum was a member of the professional staff of the Committee on Ways and Means' Subcommittee on Trade in the U.S. House of Representatives for almost nine years, advising Members of Congress on a broad range of international trade law and policy issues. Ms. Nuzum is a member of the bar of the District of Columbia. Since 1990, she has served in various leadership positions on the International Trade Committees of the D.C. Bar Association and the American Bar Association. She is also a past member of the Board of Directors of the Association of Women in International Trade. Ms. Nuzum received her B.A. from Smith College and her J.D. from the Georgetown University Law Center.

David B. Rohr



David B. Rohr, a Democrat of Maryland, became a member of the Commission on March 27, 1984, and was subsequently reappointed to a term ending December 16, 1994. He is the senior Commissioner in terms of length of service. Before his appointment to the ITC, Mr. Rohr was staff director of the Committee on Ways and Means' Subcommittee on Trade in the U.S. House of Representatives. He was a trade advisor and the principal liaison with the ITC, the Office of the United States Trade Representative, and other federal agencies. Mr. Rohr also served as Director of the Trade Negotiations and Agreements Division of the U.S. Department of Commerce. He joined the Department of Commerce in 1961 as an international economist. Mr. Rohr is a graduate of Colorado State University, where he received a bachelor's degree in business administration and a master's degree in economics.

Don E. Newquist



Don E. Newquist, a Democrat of Texas, was appointed to the ITC to fill an unexpired term on October 18, 1988, and reappointed to a nine-year term ending December 16, 1997. During FY 1994, Mr. Newquist completed a two-and-one-half year term as Chairman of the ITC. He was first designated Chairman by President Bush on December 13, 1991, and was redesignated as Chairman on June 16, 1992, for the term ending June 16, 1994. Before his appointment to the Commission, Mr. Newquist was with Valero Energy Corporation as Senior Vice President for Corporate Relations. He also served as general manager of the Chamber of Commerce of Denver, CO, and before that was with the Chamber of Commerce of Corpus Christi, TX. He is a past president of the South Texas Chamber of Commerce.

Carol T. Crawford



Carol T. Crawford, a Republican of Virginia, was appointed by President Bush and sworn in as a member of the Commission on November 22, 1991, for the term ending June 16, 1999. Prior to her appointment, Ms. Crawford was Assistant Attorney General (Legislative Affairs) in the U.S. Department of Justice. From 1985 to 1989, she served as Associate Director of the Office of Management and Budget where she was responsible for budget and policy oversight for five cabinet level departments and related agencies. She served at the Federal Trade Commission as Director of the Bureau of Consumer Protection from 1983 to 1985 and as Executive Assistant to the Chairman from 1981 to 1983. Previously, she practiced law in Washington, D.C., was Senior Legislative Assistant to Senator Bob Packwood (R-OR), and was on the legislative staff of Rep. Robert Denney (R-NE). Ms. Crawford holds a B.A. from Mt. Holyoke College and a J.D., *magna cum laude*, from the Washington College of Law, American University.

Lynn M. Bragg



Lynn Munroe Bragg, a Republican of Maryland, was appointed by President Clinton and was sworn in as a member of the Commission on March 31, 1994, for the term ending June 16, 2002. Prior to her appointment to the ITC, Ms. Bragg served in a senior management position with the Edison Electric Institute. As a director of government affairs, she advised member companies on legislative matters relating to fossil fuels and industry structure issues. From 1981 to 1991, Ms. Bragg served on the staff of Senator Malcolm Wallop of Wyoming. In that position, she worked extensively on energy, tax, and trade issues as the legislative director and a legislative assistant. Before joining Senator Wallop's staff, Ms. Bragg held several positions in the corporate affairs department of the Potomac Electric Power Company (PEPCO) in Washington, DC. She holds a bachelor's degree from Mary Washington College and a master's degree in public relations from Boston University.

INTERNATIONAL TRADE COMMISSION



INTRODUCTION

Fiscal year 1994 was a remarkable year in the global trade arena, marked by two events that will affect the conduct of international trade for years to come: the passage and implementation of the NAFTA among the United States, Canada, and Mexico, and the conclusion of the seven-year Uruguay Round negotiations under the General Agreement on Tariffs and Trade (GATT).

The ITC furnished technical support to policymakers in these and other trade matters throughout the year, providing objective economic and analytical expertise to the United States Trade Representative (USTR) and the Congress as they worked to formulate U.S. policy. Throughout the year, numerous ITC staff members also provided direct assistance to the USTR in connection with the GATT negotiations.

The year also brought the ITC one of its most complex and challenging investigations: a request from the President to determine whether imports of wheat, wheat flour, and semolina were interfering with the wheat

program of the U.S. Department of Agriculture. The Commission held public hearings in the wheat-growing regions of North Dakota and Montana as well as in Washington, DC, in connection with the investigation. ITC staff analyzed an exhaustive amount of data utilizing sophisticated economic modeling tools designed to assist Commissioners in reaching their findings, which are detailed in appendix A of this report.

In other statutory investigation areas, nearly twice as many antidumping/counter-vailing duty petitions were filed with the ITC in FY 1994 as were filed in FY 1993, the majority of them involving allegations of dumping. High technology matters continued to highlight investigations under section 337, which involve allegations of unfair import practices.

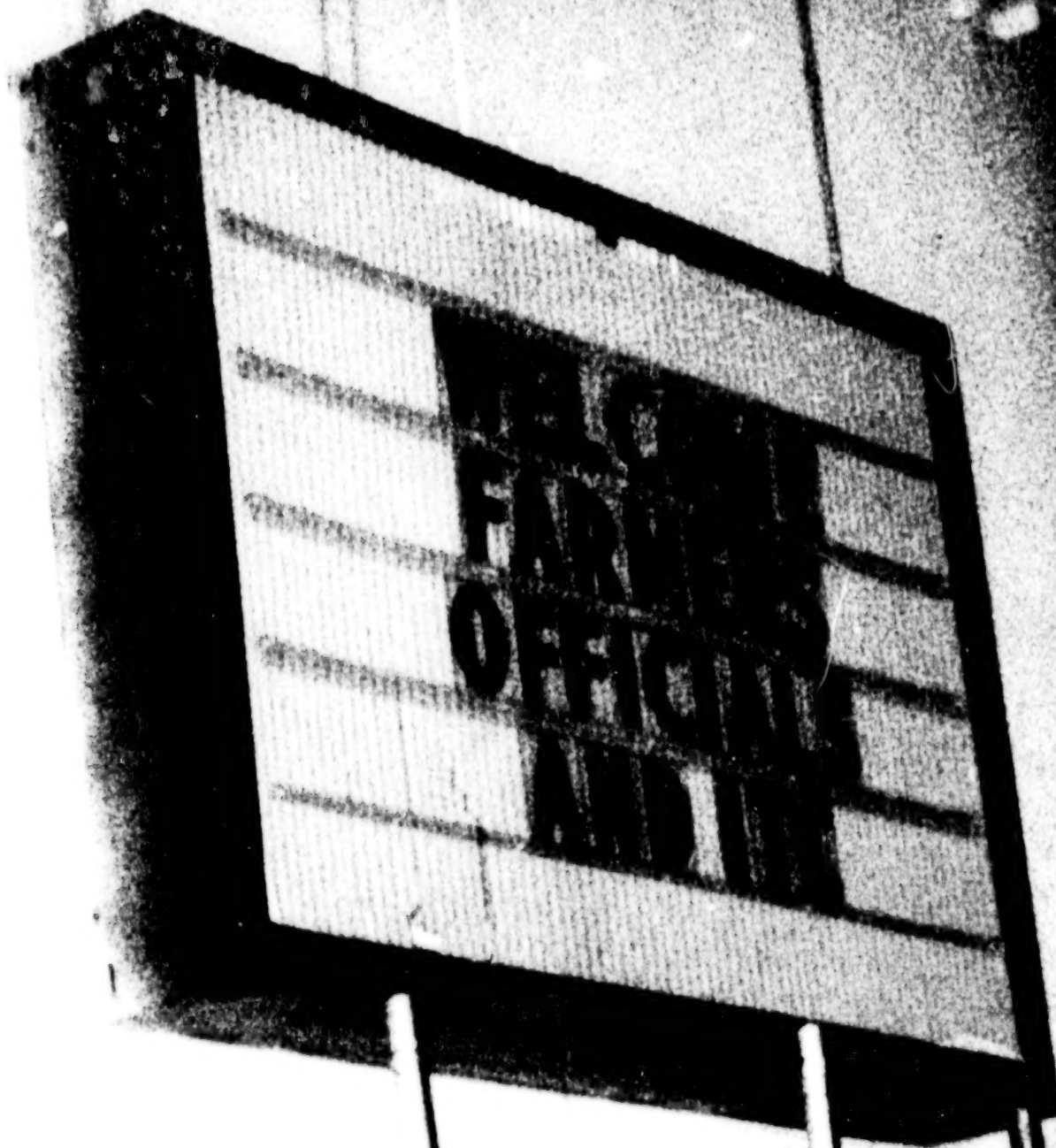
The ITC generated a number of factfinding studies of interest to policymakers as well as the media and public during the year. Among these were a study on *The Economic Effects of Significant U.S. Import Restraints*, which evaluated the

cost to the national economy of various import restraints imposed under U.S. law; the ITC's first *Annual Report on the Andean Trade Preference Act*, which reviewed the impact of that law on U.S. industries and consumers as well as Andean drug crop eradication and crop substitution activities; *Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements*, which analyzed the economy-wide effects of the Uruguay Round Agreements and the potential impact of their tariff and non-tariff provisions on trade, production, employment, and consumers for 58 individual agricultural, industrial, and service sectors of the economy; and *The Year in Trade*, an annual examination of the administration of U.S. trade policy which this year provided a practical guide to the 21 major agreements reached during the GATT Uruguay Round negotiations and an overview of the new World Trade Organization.

In addition, the agency completed a report for the House Committee on Ways and Means

that contained a proposed reorganization of U.S. trade relief laws, and it continued to investigate the global competitiveness of key U.S. high-technology manufacturing industries for the Senate Committee on Finance, completing a study on the computer industry. The agency also responded to hundreds of congressional requests for information and received 439 requests for bill reports, which analyze proposed miscellaneous tariff legislation, from Members of Congress.

A new Chairman took the helm at the ITC during FY 1994. In June, President Clinton designated Peter S. Watson as Chairman to succeed Don E. Newquist, whose term as Chairman expired. Janet A. Nuzum was designated Vice Chairman. The year also saw the departure of Anne E. Brunsdale, who served as a Commissioner for more than eight years, and the arrival of Lynn M. Bragg, who was sworn in as a Commissioner in March 1994.



PART I. HIGHLIGHTS

INVESTIGATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930

Under title VII of the Tariff Act of 1930, U.S. industries may petition the government for relief from imports that are sold in the United States at less than fair value ("dumped") or which benefit from subsidies provided through foreign government programs.

Under the law, the U.S. Department of Commerce determines whether the dumping or subsidizing exists and, if so, the margin of dumping or amount of the subsidy. The ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry. A more detailed explanation of anti-dumping/countervailing duty laws is included in appendix C.

Nearly twice as many title VII petitions were filed with the Commission in FY 1994 as were filed in FY 1993 (70 versus 37), with the majority involving allegations of dumping (59 of

the 70). The petitions covered a wide variety of products, including paper clips, phthalic anhydride, pencils, silico-manganese, saccharin, coumarin, stainless steel bar, fresh garlic, fresh cut roses, carbon steel wire rod, carbon steel butt-weld pipe fittings, primary magnesium, stainless steel angles, disposable lighters, ferrovanadium, furfuryl alcohol, canned pineapple, carbon steel seamless pipes, oil country tubular goods, glycine, carbon steel pipe nipples, and wheel inserts.

The Commission also finished work on a number of other cases that had been filed during FY 1993. These included cases involving stainless steel wire rod, stainless steel flanges, ferrosilicon, defrost timers, stainless steel pipes, calcium aluminate cement, steel wire rod, nitromethane, silicon carbide, aramid fiber, sebacic acid, stainless steel pipe fittings, silicon electrical steel, and photographic paper.

One title VII review investigation was instituted on ceiling fans from China.



(See appendix A for a complete list of investigations and accompanying details.)

INVESTIGATIONS UNDER SECTION 337 OF THE TARIFF ACT OF 1930

Under section 337 of the Tariff Act of 1930, the ITC conducts investigations into certain alleged unfair practices in import trade. Most complaints filed under this provision involved allegations of patent infringement, trademark infringement, or misappropriation of trade secrets.

A more detailed explanation of section 337 is included in appendix C.

In FY 1994, as in previous years, the ITC's section 337 caseload was highlighted by investigations involving several high-technology products. Significant among these were computer-related investigations concerning semiconductor devices, circuit board testers, multitasking memory management, connecting devices for local area networks, computer disk drives, and facsimile machines. In addition, several investigations involved other sophisticated technology, including pharmaceuticals (a widely used cardiovascular medication

Commissioner Carol Crawford, Vice Chairman Janet Nuzum, and Commissioner David Rohr review exhibits in an antidumping investigation involving pencils from Thailand.

and recombinantly produced human growth hormones), microwave filters used in satellites, industrial polymer products, and chemical adhesives.

During FY 1994, five of the pending investigations in these technology areas involved allegations that complainants' patented processes were being employed abroad, without authorization, to produce products that respondents imported into the United States.

One section 337 investigation involved allegations that respondents had misappropriated the complainant's trade secrets and were using the alleged trade secrets in manufacturing operations abroad to make removable hard disk cartridges for computers that were subsequently imported into the United States. This investigation also included allegations that respondents' products infringed complainant's registered trademarks.

Two of the Commission's section 337 investigations were based on allegations that respondents' products infringed U.S. patents covering the overall appearance or design of a product. Additional patent-based section 337 investigations focused on products such as

rechargeable batteries, automobile alarm systems, automobile disc brake lathes, remote controls for televisions, and audible alarm devices for divers.

Also in FY 1994, the Commission instituted a formal enforcement proceeding based on allegations of violations of a cease and desist order issued by the Commission in a section 337 investigation involving plastic encapsulated integrated circuits.

INVESTIGATIONS UNDER THE TRADE ACT OF 1974

Under section 406 of the Trade Act of 1974, the Commission determines whether imports from a Communist country are causing market disruption in the United States. If the Commission finds market disruption, it makes a remedy recommendation to the President, who makes the final decision with respect to remedy.

A more detailed description of section 406 is included in appendix C.

In FY 1994, the ITC instituted one market disruption

(section 406) investigation, which involved honey from China. In this investigation the Commission made an affirmative determination, but the President declined to impose import relief. Details are presented in appendix A.

INVESTIGATIONS UNDER THE AGRICULTURAL ADJUSTMENT ACT OF 1933

Under section 22 of the Agricultural Adjustment Act, the ITC investigates, at the direction of the President, whether imports materially interfere with programs of the U.S. Department of Agriculture. The Commission makes findings and recommendations to the President, who may impose an import fee or quota on the imports in question. A more detailed description of section 22 is included in appendix C.

During FY 1994, the ITC instituted two section 22 investigations: one concerning peanut butter and peanut paste and one concerning wheat, wheat flour,

and semolina. (See appendix A for details of the investigations.)

The wheat investigation was one of the most challenging ever conducted by the Commission. Over a six-month period, the Commission gathered an exhaustive amount of data on the market dynamics for wheat, received hundreds of submissions, and heard testimony directly from affected farmers at hearings in Bismarck, ND; Shelby, MT; and Washington, DC. Data analysis conducted by ITC staff in the investigation applied very sophisticated economic modeling tools.

INVESTIGATIONS UNDER SECTION 332 OF THE TARIFF ACT OF 1930

Under section 332 of the Tariff Act of 1930, the ITC conducts general investigations on any matter involving tariffs and international trade. Some of the most significant analytical section 332 studies completed during the year are highlighted below. Detailed information on other ITC reports completed during FY 1994 or pending on September 30, 1994, is provided in appendix B.

Studies Analyzing Various Aspects of U.S. Trade Agreements and Other Special Trade Programs

Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements (332-353)

On March 22, 1994, the House Committee on Ways and Means and the Senate Committee on Finance requested that the ITC analyze the impact of the Uruguay Round Agreements (URA) of the GATT on the U.S. economy, focusing on important agricultural, industrial, and service sectors. The ITC report, submitted in June 1994, reviewed and analyzed studies of the economy-wide effects of the URA and analyzed the potential impact of tariff and nontariff provisions of the URA on trade, production, employment, and consumers for 58 individual agricultural, industrial, and service sectors of the U.S. economy.

The ITC found that the long-term net trade effects of the GATT Uruguay Round Agreements are likely to be small but

positive for most sectors of the U.S. economy, noting that the results in the study are based on a partial equilibrium economic model which by nature cannot capture the long-term dynamic gains from liberalized trade, which could in fact be larger.

North American Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles from Mexico and Canada (332-355)

On May 26, 1994, the USTR requested that the ITC advise the President as to the probable economic effect on domestic industries producing like or directly competitive articles and on consumers of the immediate elimination of the U.S. tariff under the NAFTA with respect to certain dutiable articles. The NAFTA requires that the President obtain advice from the ITC regarding such proposed actions. The ITC report containing classified information was delivered to the USTR on August 24, 1994.



Annual Report on the Impact of the Andean Trade Preference Act on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution (332-352)

Section 206 of the Andean Trade Preference Act (ATPA) requires the ITC to submit annual reports to Congress and the President on the economic impact of the ATPA on U.S. industries and consumers. The first annual report, submitted in September 1994, also discussed the ATPA's effectiveness in promoting drug-related crop eradication and crop substitution in the four Andean beneficiary countries — Bolivia, Colombia, Ecuador, and Peru. ITC staff, using a standard economic

model, found that gains to consumers resulting from ATPA duty reduction were greater than the corresponding loss in tariff revenue to the U.S. Treasury. Given the newness of the program, no precise estimate of the impact of ATPA on promoting drug-related crop eradication and crop substitution was possible at the time of this report.

U.S. Imports of Textiles and Apparel Under the Multifiber Arrangement, Annual Report for 1993 (332-343)

On June 15, 1993, the Commission instituted on its own motion an investigation on U.S. imports of textiles and apparel under the Multifiber

Senator Byron Dorgan (D-ND), Senator Kent Conrad (D-ND), and Congressman Earl Pomeroy (D-ND) testify at a field hearing in Bismarck, ND, in connection with the ITC's section 22 investigation involving wheat, wheat flour, and semolina.



Commissioners Don Newquist and David Rohr review testimony during an ITC hearing in connection with its factfinding investigation into the economic effects of U.S. antidumping and countervailing duty orders and suspension agreements.

Arrangement (MFA). The annual reports in this investigation provide statistics on U.S. textiles and apparel imports for the most recent year and at least three preceding years, broken down by fibers, broad product groups, regional country groups, and individual countries. Data are presented for each of the top 35 supplying countries in terms of the nearly 150 product categories used to administer the U.S. textiles and apparel trade agreements program. The ITC has published similar data each year since 1981; the annual report containing 1993 data was published in March 1994.

Studies on Special Areas of Congressional or USTR Interest

The Economic Effects of Significant U.S. Import Restraints (332-325)

On June 5, 1992, the USTR requested that the ITC periodically update its earlier studies on the economic effects on the U.S. economy of significant U.S. import restraints. The ITC report, submitted in November 1993, is the first of these updates. The report addressed liberalization of significant U.S. import restraints in manufacturing, agriculture, and services. The report observed that the Multifiber Arrangement, maritime restrictions under the Jones Act, and agricultural quotas were the U.S. import restraints having the greatest impact on the U.S. economy.

The ITC found that simultaneous liberalization of all significant U.S. import restraints could benefit the U.S. economy by approximately \$19 billion (in 1991 dollars, the base year of the study). A primary reason for the gains would be lower consumer prices in the previously protected sectors once the

import restraints were removed. Although domestic producers in the previously protected sectors would be adversely affected by liberalization, the benefit to consumers from lower prices would more than compensate for specific losses experienced in individual sectors.

Proposed Reorganization of the U.S. International Trade Relief Laws (332-341)

On December 16, 1992, the House Committee on Ways and Means requested that the ITC conduct a study and prepare a report containing a proposed reorganization of U.S. trade relief laws. The Committee asked that the report include trade relief laws under which tariffs and quantitative restrictions are imposed, including the antidumping and countervailing duty laws. The Committee requested that the ITC proposals seek to achieve the following objectives: logical and accessible arrangement of the law, elimination of duplicative provisions, and elimination or simplification of anomalous or illogical provisions, to the extent possible without substantive or

procedural changes to existing provisions of law.

The ITC report, submitted in December 1993, included proposed reorganizations of the laws found in sections 201-204 of the Trade Act of 1974 (safeguards law); section 406 of the Trade Act of 1974 (market disruption from Communist countries); section 232 of the Trade Expansion Act of 1962 (national security); section 303 and title VII of the Tariff Act of 1930 (antidumping and countervailing duty laws); section 337 of the Tariff Act of 1930 (unfair import practices); sections 301-310 of the Trade Act of 1974 (enforcement of U.S. rights under trade agreements); laws relating to the Generalized System of Preferences and trade preferences for Caribbean Basin and Andean countries; and several other laws.

Studies Analyzing the Competitiveness of U.S. Industry

Global Competitiveness of U.S. Advanced-Technology Industries: Computers (332-339)

On June 11, 1992, the Senate Committee on Finance

requested that the ITC examine the global competitiveness of the U.S. computer hardware industry. The ITC report, submitted in December 1993, provided separate competitive assessments of U.S. manufacturers of personal computers (PCs), work stations, mainframes and mini-computers, and super-computers. The report identified and discussed the implications of prevailing industry trends, such as the downsizing of computer platforms and the commoditization of PC components and computers, and it examined the effects on the industry of foreign and domestic government policies, trade restraints, and research and development financing.

Among its findings, the ITC reported that U.S. hardware manufacturers remain among the most competitive firms in the global computer hardware industry; that large amounts of government funding has helped to establish computer industries in the United States, Japan, and Europe, but that U.S. government programs have emphasized defense applications while foreign programs have emphasized civilian applications; that

restricting exports of advanced U.S. computing technologies for national security reasons appears to have hampered U.S. firms' competitiveness in foreign markets; and that U.S. firms account for over 55 percent of the global PC market, which increasingly resembles a price-sensitive consumer electronics market, and for 64 percent of the revenues in the \$56 billion global market for mainframes and minicomputers.

Studies Conducted on a Recurring Basis

U.S. Trade Shifts in Selected Industries, 1993 Annual Report (332-345)

On August 27, 1993, the Commission instituted on its own motion an annual investigation to review U.S. trade performance, focusing on changes in the import, export, and trade balances of services transactions and key agricultural and merchandise sectors. The current report also profiles the U.S. industry and market for nearly 300 commodity groups, providing estimated data for 1989-93 on domestic consumption,

production, employment, trade, and import penetration. For the first time, the current report includes information on the trade balance for the U.S. service sector as a whole and by selected service industry accounts, as well as the U.S. surpluses on service accounts with selected trading partners. The report also summarizes the significant factors affecting the U.S. trade balance over a 13-year period (1980-93), highlighting selected industries. The ITC has published such reports on a quarterly, semiannual, or annual basis since 1981; the annual report containing data for the years 1989-93 was published in September 1994.

ANNUAL REPORT ON THE U.S. TRADE AGREEMENTS PROGRAM

The Year in Trade, 1993

Section 163(b) of the Trade Act of 1974 requires the ITC to submit to the Congress an annual report on the operations of the trade agreements pro-

gram. The report, now known as *The Year in Trade*, provides the Congress with factual information on trade policy and its administration. It also serves as an historical record of the major trade-related activities of the United States for use as a general reference by government officials and others with an interest in U.S. trade relations.

The Year in Trade, 1993, published in June 1994, provides a practical guide to over 20 major agreements reached during the seven-year long Uruguay Round negotiations and an overview of the World Trade Organization. It also examines two important regional trade developments during the passage of the NAFTA implementing legislation and the meeting of Asia-Pacific Economic Cooperation leaders. The publication includes complete listings of antidumping, countervailing duty, intellectual property rights infringement, and Section 301 cases undertaken by the U.S. government for 1993. An index geared to trade specialists cross-references the report by country and commodity.



PART II. ORGANIZATIONAL ACTIVITIES

OFFICE OF OPERATIONS

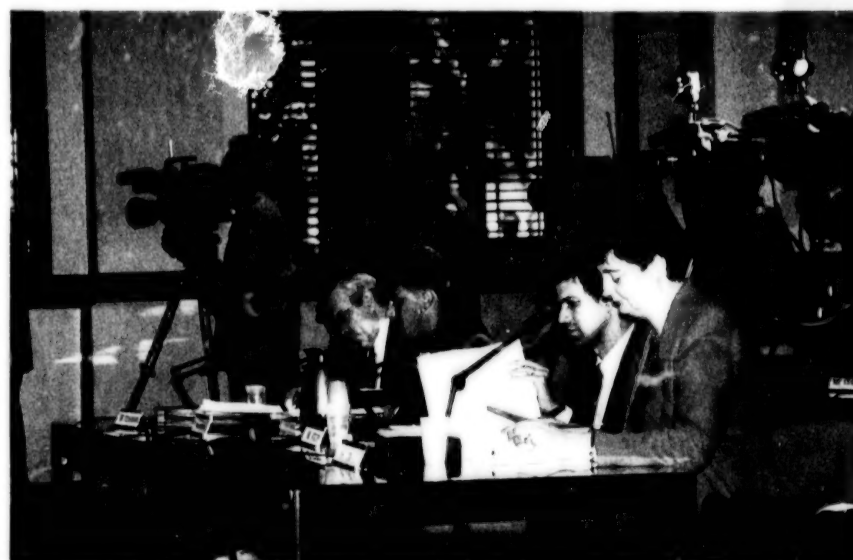
The ITC's core of investigative, industry, economic, nomenclature, and technical expertise is found within the Office of Operations. Under the supervision of the Director, staff in the component offices of Operations complete all statutory investigations, studies, and special work projects assigned by the Commission. The work includes completing the investigations within statutory deadlines and with a level of accuracy and detail suitable for subsequent review by the courts. The office is also responsible for informational resources and statistical services.

Office of Investigations

The Office of Investigations conducts the ITC's countervailing duty, antidumping, and review investigations under title VII of the Tariff Act of 1930; escape clause and market disruption investigations under the Trade Act of 1974; and investigations under section 22 of the Agricultural Adjustment Act.

The primary responsibility of the Office of Investigations is to prepare an objective and comprehensive report in each investigation that will enable the Commission to determine, on the basis of the facts of the investigation, whether a U.S. industry has been injured or is threatened with injury by reason of unfair imports of products like those it produces. The key investigations conducted by Investigations during FY 1994 are discussed in the Highlights section of this report.

In each investigation, an investigative team (made up of a supervisory investigator, an investigator, and an accountant/auditor from Investigations as well as an economist, a commodity-industry analyst, and an attorney) develops a thorough understanding of the conditions of competition within the domestic market of the industry under investigation. Largely through industry-specific questionnaires, telephone interviews, plant visits, and consultations with technical and marketing specialists, the team collects and analyzes the extensive data that constitute the report to the Commission. Data presented in



the staff's report include, but are not limited to: the industry's productive capacity, actual production, capacity utilization, domestic and export shipments, inventories, imports, domestic market shares held by U.S. and foreign suppliers, employment, hours worked, productivity, wages and total compensation paid, unit labor costs, pricing, distribution channels, and full financial data on the U.S. companies producing the product under investigation. Somewhat more limited information about the foreign industry producing

the product under investigation is also collected and analyzed.

Investigations staff members work closely with officials at the U.S. Department of Commerce, the U.S. Customs Service, parties to the investigations and their attorneys, and company officials for both U.S. producers and importers of the product. Investigators also assist the USTR following Commission recommendations to the President in escape clause, market disruption, and section 22 cases.

*International Economist
Wallace Fullerton,
Attorney-Advisor
Lyle Vander Schaaf,
Investigator
Jonathan Seiger,
and Supervisory
Investigator Vera
Libeau (l-r) prepare
to answer questions
prior to the
Commission's vote
in its section 22
investigation
involving wheat,
wheat flour, and
semolina.*



Industry analysts Lowell Grant (right) and David Ludwick (center) meet with an official of the Republic of South Africa's Department of Agriculture to discuss South Africa's tariffication of its agricultural products.

Office of Industries

The Office of Industries maintains technical expertise related to the performance and global competitiveness of U.S. industries and the impact of international trade on those industries. International trade analysts in the office produce studies on a range of issues each year. Studies generally are conducted under section 332 of the Tariff Act of 1930 at the request of the President or specific committees of Congress or on the ITC's own motion. Industries staff includes more than 90 international trade

analysts who monitor the import, export, production, and sale of more than 8,000 agricultural products, raw materials, and manufactured products as well as a number of U.S. service industries. Industries staff are organized into divisions composed of major industrial sectors.

Upon request, Industries analysts provide information and assistance related to international trade negotiations to the USTR. In addition to conducting factfinding investigations, Industries analysts contribute substantially to congressional

bill reports, which analyze proposed tariff-related legislation. They also assist the Office of Investigations in title VII investigations. The office also publishes the *Industry, Trade, and Technology Review*, a quarterly collection of timely analytical articles developed by Industries analysts in the course of their research.

During FY 1994, the Office of Industries conducted 17 investigations under section 332, including both one-time fact-finding studies and continuing industry surveys. In addition to the studies detailed in the Highlights section of this report, section 332 studies released during the year covered the Generalized System of Preferences and duty eliminations under the U.S.-Canada Free Trade Agreement. The office also completed recurring studies and monitoring reports requested by the President, Congress, and the Commission. These reports covered synthetic organic chemicals, rum, nonrubber footwear, automobiles, ethyl alcohol, steel, tomatoes, peppers, the U.S. services commitments under the GATT, the multifiber arrangement, and production sharing

under chapter 98 of the Harmonized Tariff Schedule. The office also published its annual analysis of significant trade shifts in selected commodity areas.

Since the 1920s, the ITC periodically has issued a series of detailed reports on thousands of products imported into and exported from the United States. Each report, known today as an Industry and Trade Summary, addresses one or more industry sectors and contains information on product uses, customs treatment, and trends affecting consumption, production, and trade of the commodities or services covered. The Office of Industries launched its most recent series of summaries in FY 1991; during FY 1994, 30 summaries were published, bringing the total number of summaries published in this series to 78.

Office of Economics

The Office of Economics provides expert economic analysis for ITC investigations and reports. The office consists of three divisions. The Research

Division and Trade Reports Division contribute economic and trade policy analysis to section 332 investigations on a variety of international trade issues. The Applied Economics Division provides economic analysis and support for countervailing duty and antidumping, escape clause, market disruption, and section 22 investigations as well as for section 332 investigations.

Research Division economists specialize in quantitative analysis of trade and economic issues. They review most ITC section 332 studies to ensure that the studies are based on generally accepted economic principles, and they provide modeling and other economic support for a broad array of ITC investigations. The Research Division monitors relevant technical developments in the economics field to ensure that the ITC provides state-of-the-art analysis of trade policy issues.

The Research Division maintains and develops the computable general equilibrium (CGE) modeling capabilities that enable the agency staff to estimate the effects of removing any specific trade restraint or of

removing multiple restraints simultaneously. The division currently has a CGE model of the U.S. economy and is developing regional and global CGE modeling capabilities. During FY 1994, Research Division economists updated the underlying data used in the ITC's CGE model. The primary application of the ITC's CGE model during FY 1994 appeared in an updated assessment for the USTR of the economic costs of various existing U.S. import restraints.

In addition, in FY 1994, Research Division economists participated in studies requested by Congress on the economic effects of the Uruguay Round Agreements, the Caribbean Basin Economic Recovery Act, and the Andean Trade Preference Act. Division economists also participated in studies requested by the USTR on the effects on U.S. businesses of the Arab League boycott of Israel, on the economic effects of antidumping and countervailing duty orders and suspension agreements, and on trade preferences granted under the Generalized System of Preferences.



Also during FY 1994, division economists provided the Council of Economic Advisers (CEA) with a technical assessment of various methods for quantifying non-tariff barriers. The CEA used this assessment in its evaluation of this subject for the Organization for Economic Cooperation and Development's Pilot Group on Non-Tariff Barriers.

Economists within the Trade Reports Division contribute country-specific economic expertise to ITC investigations and maintain up-to-date data concerning

global economic, investment, and trade developments by region. The division complements and works closely with the ITC Office of Industries to provide U.S. trade policymakers with information about specific industries and countries.

Trade Reports Division economists prepare recurring reports, briefing materials, and background information on monitored countries. They also monitor and report a broad array of data and information on regional organizations and global trade initiatives. These economists provide substantial

International economists (l-r) James Stamps, Magda Kornis, Tom Jennings, and Acting Division Chief Kim Frankena discuss the ITC and its role with visiting officials of the World Bank.

technical assistance and information on current policy questions to members of Congress, other government agencies, the news media, and the public; additionally, they frequently participate in ITC meetings and seminars with foreign visitors as well as in interagency meetings, conferences, and seminars on bilateral, regional, and multilateral trade topics.

During FY 1994, the division completed the ITC's first annual report on the Andean Trade Preference Act and worked on the ITC's multiyear study on the European Union's so-called "1992" economic integration program. Division economists also worked on the ITC study on the effects on U.S. businesses of the Arab League boycott of Israel. The report is due to be delivered to the USTR in November 1994.

The division produces a number of regular trade-monitoring reports, including an annual review of multilateral, regional, and bilateral trade developments entitled *The Year in Trade*, and an annual report on the CBERA, which marked

its 10th year of operation in FY 1994.

The division also publishes the *International Economic Review (IER)*, a monthly journal analyzing international economic and trade policy developments. In June 1994, the division published the annual *IER Chartbook*, which presented, through graphs and statistical tables, a five-year perspective on U.S. trade by major regional, country, and commodity groupings.

The Applied Economics Division primarily is responsible for providing technical economic expertise in the ITC's antidumping and countervailing duty investigations as well as in escape clause, market disruption, and section 22 investigations. Division economists serve on investigative teams, where they analyze pricing, demand, supply, and other market-related information for the staff report to the Commission. They also model the economic impact of unfairly priced imports on the U.S. industry producing competing articles.

During FY 1994, Applied Economics Division economists participated in all antidumping, countervailing duty, market disruption, and section 22 investigations. In addition, they made substantial contributions to several section 332 investigations, assisting in economic modeling and providing general economic analysis.

Office of Tariff Affairs and Trade Agreements

The Office of Tariff Affairs and Trade Agreements (TATA) carries out the ITC's responsibilities with respect to the Harmonized Tariff Schedule of the United States (HTS) and the international Harmonized System (HS). The HTS provides the applicable tariff rates and statistical categories for all merchandise imported into the United States; it is based on the HS, the global classification system that governs most world trade in goods.

TATA updates and publishes the HTS annually. In late October 1993, the office published the 1994 edition of the

HTS, with changes scheduled to be effective on January 1, 1994. In December 1993, a supplement was issued reflecting the implementation of the NAFTA, also effective on January 1, 1994. A second supplement was issued in June 1994.

The lawyers, analysts, and economists who comprise the TATA staff also provide expert HTS-related information upon request to the business community and the public. The office maintains an electronic data base that tracks the history of all changes (legal and statistical) to the HTS since its inception.

TATA staff members also work with the Office of Industries to prepare bill reports requested by Congress; during FY 1994 the office completed 197 such reports (see appendix D). The office also provides technical advice and assistance to the USTR on bilateral and multilateral trade programs, participating in Trade Policy Staff Committee activities, preparing Presidential proclamations, developing trade data tailored for use by negotiators, and, when requested, directly assisting negotiating teams. In providing technical and legal

assistance to the USTR, TATA staff prepared the proclamation implementing the NAFTA, participated in writing the NAFTA implementing bill, and began work on the draft proclamation to implement the GATT Uruguay Round agreements. Each of these proclamations, which contain all U.S. tariff changes and staged duty reductions, is several hundred pages in length.

The office conducts investigations under section 1205 of the Omnibus Trade and Competitiveness Act of 1988, which provides an administrative means for updating the HTS to reflect modifications to the HS. During FY 1994, TATA carried out two investigations under section 1205 of the Omnibus Trade and Competitiveness Act of 1988. Investigation 1205-4 was instituted to consider amending the nomenclature as to the classification of petroleum jelly in the interest of the uniform application of the HS. Investigation 1205-3 was reopened in order to issue an addendum to the final report. This was necessary because of the

non-acceptance by contracting parties to the HS Convention of certain proposed amendments to the HS nomenclature. TATA staff members drafted the Presidential proclamations required to implement the changes covered in these investigations.

The office participates in the Customs Cooperation Council (CCC), an international organization headquartered in Brussels, Belgium. The CCC oversees the continuous development and maintenance of the global HS. TATA represents the ITC on the central committee for nomenclature and classification matters (the Harmonized System Committee) as well as two advisory subcommittees (the Review Subcommittee and the Scientific Subcommittee). TATA participated in meetings of these three committees during FY 1994 and provided technical assistance to the Customs Service officials serving as U.S. delegates.

TATA's Director chairs the Committee for Statistical Annotation of the Tariff Schedule, which also includes representatives of the U.S. Customs

Service and the Census Bureau. The committee analyzes and evaluates petitions requesting changes in HTS statistical sub-headings; it received 63 such petitions during FY 1994. Through the committee, TATA participated during FY 1994 in two bilateral meetings with the Canadian government in connection with a U.S.-Canada Memorandum of Understanding, under which the two countries exchange monthly import statistics that reflect each country's exports to the other. The arrangement eliminates the need to prepare and compile over one million export documents annually.

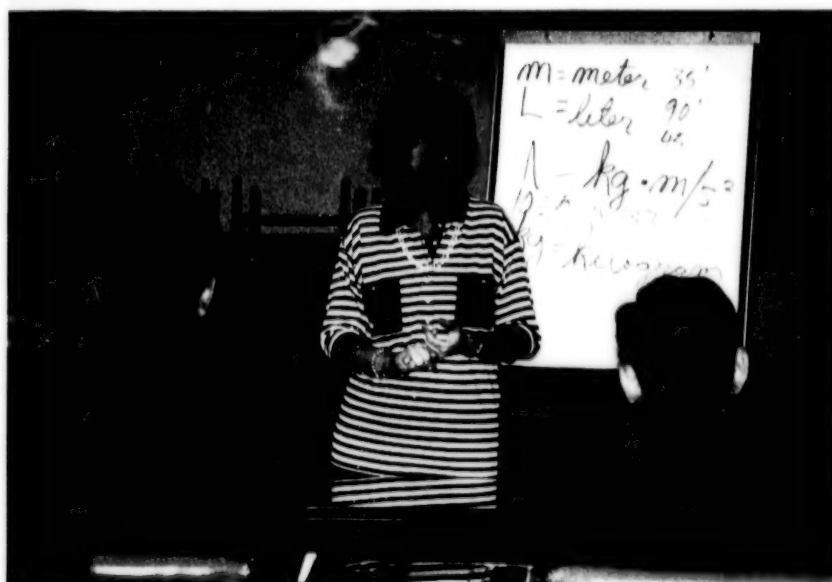
Office of Unfair Import Investigations

The Office of Unfair Import Investigations (OUII) participates as a full party representing the public interest in adjudicatory investigations conducted under section 337 of the Tariff Act of 1930. These investigations most frequently involve allegations of patent or



trademark infringement. Allegations of copyright infringement, misappropriation of trade secrets, passing off, false advertising, and antitrust violations also can be litigated in these investigations. If the Commission finds a violation of section 337, it may issue exclusion orders and cease and desist orders as a remedy.

TATA Publication Division Chief Gil Whitson and Nomenclature Analyst Linda Powell review materials related to an update of the Harmonized Tariff Schedule of the United States.



OUII Director Lynn Levine explains section 337 law and OUII operations to a group of visiting intellectual property attorneys from Thailand.

Investigative attorneys from OUII actively participate throughout the investigation along with counsel for the private parties. However, the investigative staff represents the public interest rather than the private interests of a complainant or respondent. Representation of the public interest is important because the remedies available in section 337 investigations may affect nonparties and U.S. consumers. OUII offers an independent perspective on the many issues presented in section 337 investigations.

OUII attorneys review section 337 complaints prior to institution of an investigation and advise the Commission whether complaints are legally sufficient for purposes of institution. Upon request, OUII also provides information to prospective complainants regarding procedures for filing complaints under section 337 and reviews draft complaints on a confidential basis. Once an investigation is instituted, OUII attorneys seek to ensure that a sufficient evidentiary record is developed. OUII attorneys participate at

hearings before the Administrative Law Judges (ALJs) and submit legal briefs to the ALJs and the Commission.

After a hearing, the ALJ issues an initial determination on all issues related to the alleged violation of section 337. The ALJ's initial determination is subject to review and modification by the Commission. If the Commission does not modify the initial determination, it becomes the Commission's final determination. If the Commission determines that there is a violation of section 337, it may issue remedial orders. Those orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President within that 60-day period. (A more complete description of section 337 is included in appendix C).

OUII also assists the parties with settlements. OUII attorneys review proposed consent orders (orders of the Commission agreed to by the parties that prohibit specific activities related to the importation and/or sale of the products at issue) and

settlement agreements (private agreements between the parties). OUII then submits responses to the ALJ regarding public interest concerns and compliance with ITC rules.

During FY 1994, there were 25 active section 337 investigations, 10 of which were instituted in FY 1994. (Key investigations are detailed in the Highlights section of this report, and a full list of investigations completed appears in appendix A). The Commission terminated seven investigations as a result of settlement agreements or consent orders entered into by the parties prior to an evidentiary hearing. Settlement agreements or consent orders were also entered in five other investigations. Four investigations were terminated based upon withdrawal of the complaints. One investigation was terminated following the entry of judgment against the complainant in a parallel federal district court case. Temporary relief, which was sought in two investigations, was denied in one investigation and granted in the other after evidentiary hearings.

The Commission found a violation of section 337 in two investigations. In one of those investigations, the Commission issued a limited exclusion order and a cease and desist order. In the other investigation, a general exclusion order was issued. The Commission found no violation of section 337 in two investigations.

The ITC may conduct enforcement proceedings to determine whether the importation of a specific product violates an existing Commission order. Also, the Commission may issue advisory opinions regarding whether certain anticipated conduct would violate an outstanding Commission order. During FY 1994, OUI attorneys were involved in one enforcement proceeding stemming from an alleged violation of a cease and desist order in a prior section 337 investigation and one proceeding to modify an existing exclusion order.

Trade Remedy Assistance Office

The Trade Remedy Assistance Office (TRAO) assists the public and small businesses

seeking benefits or relief under U.S. trade laws.

TRAO provides general information to all who inquire concerning remedies and benefits available under the trade laws of the United States, and it provides technical and legal assistance and advice to eligible small businesses seeking those remedies and benefits. TRAO provides information on six trade statutes, four of which are administered by the ITC.

A business seeking TRAO assistance must qualify as a small business under the standards established by the Small Business Administration. Once that eligibility has been determined, TRAO may provide technical and legal assistance and advice. The office will review draft complaints or petitions of eligible small businesses for substance and compliance with the ITC's Rules of Practice and Procedure so that (1) TRAO and the small business can determine whether there is a reasonable case of violation of a trade law and (2) the small business can present its case as fully and persua-

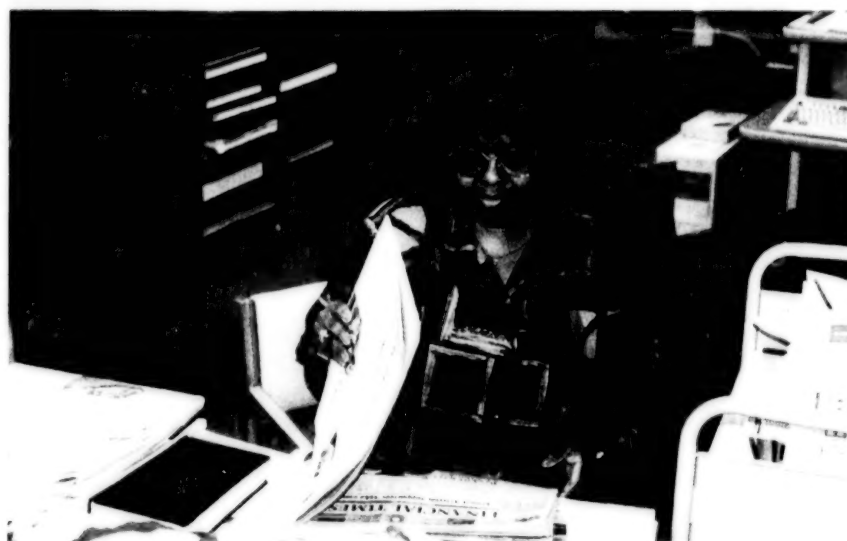


sively as possible under ITC rules. TRAO advises and assists the small business throughout the entire proceeding to ensure that the small business is aware of the various phases of each investigation, including the business' obligations at each phase and the deadlines involved.

In FY 1994, the TRAO received 309 inquiries from small businesses, trade associations, unions, Congress, the news media, academia, and law firms and certified 16

organizations as eligible small businesses, an increase from the nine certified in FY 1993. TRAO provided technical assistance and informal legal advice to these 16 eligible small businesses. Of the organizations receiving assistance, two pursued remedies in investigations under section 337 of the Tariff Act of 1930. The two investigations involved cutting tools for flexible plastic conduit and audible alarm devices for divers. (See appendix A for details of the investigations).

TRAO Director Beth Seltzer (far right) and Paralegal Mary Davis discuss TRAO's function and available assistance with David Binder and David Blank of the Department of Commerce's International Trade Administration Office of Investigations as part of TRAO's outreach efforts.



Circulation Technician Frances Cooper sorts through the numerous newspapers received each day in the ITC's National Library of International Trade.

Office of Information Services

The Office of Information Services (OIS) administers all ITC computer, telecommunications, and statistical services and the National Library of International Trade. OIS was formed in FY 1994 in a re-organization that integrated all agency information services by uniting these previously separate functions into a single office.

During FY 1994, the ITC's personal computer network was upgraded to keep up with

expanded usage. Efforts were launched to transfer the ITC's international trade database from an outside mainframe computer center to an in-house networked client-server system, and initial agency connections to the Internet and other networks were developed. The ITC also instituted a pilot project to establish an agency Internet server.

Library Services

The Library Services staff manages the ITC's National Library of International Trade, a

specialized technical library that serves as the agency's information and research center. The library, open to the public during agency hours, houses over 100,000 volumes and approximately 2,000 periodical titles related to U.S. industry and international trade laws and practices as well as several CD-ROM and on-line information data bases.

In FY 1994, Library Services was incorporated into OIS. Library Services supports the Commissioners and ITC staff by acquiring, organizing, and disseminating information in all media. During FY 1994, the library added several more CD-ROM databases to its collection, which now includes 14 different systems. The databases access a variety of information including trade data, corporate information, and scholarly economic journal articles.

The National Library of International Trade is open throughout the workday to public researchers, scholars, and university students. During FY 1994, the number of public

visitors increased by 14 percent from FY 1993 levels.

OFFICE OF ADMINISTRATION

The Office of Administration oversees the administration of the ITC's budget, manages all personnel matters and agency-wide programs and activities, directs procurement and publishing activities, conducts the agency information security program, and coordinates the day-to-day operation of the building that houses the agency. Administration also provides backup clerical support services for the Commissioners' and Directors' offices.

During FY 1994, Administration participated in several National Performance Review streamlining initiatives. The requirement to reduce internal regulations by at least 50 percent by September 1996 was well underway as the fiscal year ended. Administration also undertook several streamlining initiatives in the procurement, financial management, personnel, and publishing functions.

Administration also coordinated ITC staff members' continued participation in the "Partners in Education" program during FY 1994. The program is an educational partnership with a local elementary school in which ITC participants provide tutoring, mentoring, and other support to the students.

Office of Finance and Budget

The Office of Finance and Budget develops, monitors, and administers the ITC budget and expenditures, ensuring proper financial management of agency activities. The Budget Division formulates, justifies, and executes the ITC budget; the Finance Division maintains the ITC financial information system and the agency payroll and travel functions. The office is also the Commission's representative on budget and finance matters with other federal agencies, the Office of Management and Budget, and congressional committees.

Finance and Budget staff manage travel, payroll, and other financial services; help ITC offices develop their annual

budget requests; develop the overall annual agency appropriation and authorization requests; and prepare monthly accounting, activity, and financial projection reports.

During FY 1994, the office followed a government-wide trend toward streamlining and increased efficiency through automation. It implemented an electronic certification system with the Department of the Treasury for processing payments, and it began using electronic funds transfer for travel-related payments to staff.

Office of Management Services

The Office of Management Services (OMS) manages the ITC's publishing, procurement, and facilities management activities.

During FY 1994, the office continued efforts to improve service to agency personnel and the public through upgraded technology. It acquired and installed a computerized document management, conversion, and archiving system to further streamline publication



Computer Systems Analyst James Gill of OIS downloads data from the National Institutes of Health mainframe computer for use by ITC staff in an investigation.



Printing Branch Chief Dave Cook and Greg Jackson program the ITC's new computerized document management, conversion, and archiving equipment.



These hand-painted kokeshi dolls from Japan, loaned by Vice Chairman Janet Nuzum, were among the displays at a special art exhibit arranged as part of an EEO cultural awareness program during the ITC's celebration of Asia-Pacific Heritage Month.

printing and distribution activities and to reduce related costs. The office also reduced storage space costs by contracting out certain needs and by utilizing the services of the Consolidated Administrative Services Unit of the Department of Agriculture's Centralized Excess Property Operation.

OMS also continued to manage requests from other agencies to use ITC facilities for meetings and events.

Office of Personnel

The Office of Personnel manages the ITC's recruitment,

training, and personnel management operations and serves as a resource for managers and staff on employee relations, employee development, and benefits matters.

Employment levels remained flat in FY 1994, and recruitment activity was limited because of fiscal constraints and low turnover. Nonetheless, expanded outreach recruitment was coordinated with the Director of Equal Employment Opportunity to enhance agency efforts to achieve a diverse work force. The office also administered extensive training activities, both on site and through outside sources, to meet indi-

vidual and organizational needs, and it administered a trial of a new incentive program through which employees are granted time off in recognition of outstanding accomplishments.

EQUAL EMPLOYMENT OPPORTUNITY

The Equal Employment Opportunity (EEO) Director administers the ITC affirmative action program. The Director advises the Chairman and ITC managers on all equal employment issues; evaluates the sufficiency of the agency's EEO program and recommends improvements or corrections, including remedial and disciplinary action; establishes and maintains a diversity outreach program; and monitors recruitment plans and activities to assure equity in hiring activities. The Director manages the complaints process, oversees the EEO special emphasis programs, coordinates the pre-complaint counseling process, and supervises the collateral-duty program managers and counselors. The ITC Employee Development Program is a corollary responsibility of the Director.

During FY 1994, initiatives, including cultural diversity events, were implemented to address and remedy issues highlighted in previous program assessments. These initiatives established a permanent, proactive cultural diversity/affirmative action program to promote understanding and appreciation of multiple ethnicity in the workplace and to prevent inappropriate, discriminatory conduct on the part of employees and managers. To enhance training opportunities for employees while addressing the concept of organizational streamlining, an initiative to establish an ITC learning center was undertaken during FY 1994.

At the end of FY 1994, the Chairman signed an administrative order establishing a formal Office of Equal Employment Opportunity. The order was to become effective on October 2, 1994.

OFFICE OF THE ADMINISTRATIVE LAW JUDGES

The ITC's Administrative Law Judges (ALJs) hold

hearings and make initial determinations in investigations under section 337 of the Tariff Act of 1930.

After the Commission has instituted an investigation, the matter is referred to the Office of the Administrative Law Judges. The Chief Judge assigns the investigation to one of the judges, who directs the litigation, which includes scheduling and holding a hearing. The judge considers the evidentiary record and the arguments of the parties and makes an initial determination, including findings of fact and conclusions of law. Temporary relief may be granted in certain cases. (A more detailed description of section 337 is included in appendix C.)

The judge's initial determination is subject to review and modification by the Commission. If the Commission does not modify the initial determination, it becomes the Commission's final determination. If the Commission determines that there is a violation of section 337, it may issue remedial orders. Those orders are effective when issued and become final 60 days after issuance unless disapproved for

policy reasons by the President within that 60-day period.

During FY 1994, the Office of the Administrative Law Judges held six evidentiary hearings in section 337 cases under the Administrative Procedure Act. The judges disposed of nine cases without an evidentiary hearing by settlement, by summary determination, or by default. (See Highlights section of this report for details on key section 337 investigations during FY 1994 and appendix A for a complete list of investigations.)

OFFICE OF CONGRESSIONAL LIAISON

The Office of Congressional Liaison is the primary point of contact between the ITC and Congress. The office works with congressional staff to clarify congressional intent in section 332 investigation requests, responds to inquiries from Members of Congress, and keeps the Commission apprised of legislative initiatives that would affect ITC operations. The office also provides technical assistance to Members of Congress



and their staff on various trade-related matters.

During FY 1994, the Commission received two requests from Congress to conduct studies under section 332 of the Tariff Act of 1930. The first was a joint request from the Senate Committee on Finance and the House Committee on Ways and Means to analyze the impact of the Uruguay Round Agreements of the GATT on the U.S. economy, focusing on important agricultural, industrial, and service sectors. The second was a request from the Senate Committee on Finance to study U.S.

environmental technology industries.

The ITC received 133 letters from Members of Congress and 439 miscellaneous tariff bill report requests in FY 1994. The Commission's bill reports provide statistical, technical industry analysis for use by the House Committee on Ways and Means and the Senate Committee on Finance during consideration of tariff-related legislation.

The Office of Congressional Liaison coordinated the appearance of three ITC Commissioners at a congressional hearing on

ITC investigations under section 337 are quasi-judicial and are directed by an Administrative Law Judge. Here, Judge Paul Luckern presides over an evidentiary hearing. During this particular hearing, Judge Luckern allowed the experimental use of computer technology that enabled participants to view an immediate written transcript of the proceedings.



Congressman Jim Kolbe (R-AZ) talks with Congressional Liaison Jeff Menath, Commissioner Carol Crawford, and Director of Operations Robert Rogowsky (l-r) before the ITC's hearing in connection with its investigation of the economic effects of U.S. antidumping and countervailing duty orders and suspension agreements.

the ITC's FY 1995 appropriation request.

Then-Chairman Don Newquist, accompanied by then-Vice Chairman Peter S. Watson and Commissioner Lynn Bragg, testified in April 1994 before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies.

Nine Members of Congress testified at Commission hearings during FY 1994. Seven Members testified as part of the ITC's

section 22 investigation of wheat, wheat flour, and semolina. The Commission held hearings in three different locations in conducting this investigation. Senator Kent Conrad (D-ND), Senator Byron Dorgan (D-ND), and Congressman Earl Pomeroy (D-ND) testified on April 7, 1994, at the Commission's field hearing in Bismarck, ND. Senator Max Baucus (D-MT), Senator Conrad Burns (R-MT), Congressman Pat Williams (D-MT), and Montana Governor Marc Racicot testified on April

8, 1994, at the Commission's field hearing in Shelby, MT. Senator Conrad, Senator Dorgan, and Congressman Pomeroy were joined by Congressman Bill Sarpalius (D-TX) in testifying on April 29, 1994, at the Commission's hearing in Washington, DC.

Congressman Peter Hoekstra (R-MI) testified before the Commission in July in connection with a section 332 investigation on the probable economic effect on industries and consumers of accelerated tariff reductions on certain articles under the NAFTA.

Congressman Jim Kolbe (R-AZ) testified before the Commission on September 29, 1994, in connection with a section 332 investigation on the economic effects of antidumping and countervailing duty orders and suspension agreements.

OFFICE OF INSPECTOR GENERAL

The Inspector General (IG) conducts all audits and investigations related to ITC programs and operations and

recommends and comments on proposed legislation, regulations, and procedures that affect the agency's efficiency and effectiveness. The accomplishments of the IG are detailed in semiannual reports submitted to Congress in May and November.

The Office of Inspector General reviews all proposed ITC directives and regulations as a means of preventing or detecting fraud, waste, or abuse. As required by the Inspector General Act, the office also has a process for commenting on existing and proposed legislation and regulations relating to programs and operations of the ITC.

During FY 1994, the IG reviewed a range of programs and operations, including procurement-related issues, the organizational structure of ITC libraries, the process for conducting section 337 investigations, property and supplies management, and the role of the Office of the General Counsel in appeals of ITC decisions in public investigations. Inspections included compliance with the Federal Managers' Financial Integrity Act of 1982; travel

expenses; and imprest fund cash counts.

The Inspector General is an active member of the Executive Council on Integrity and Efficiency.

OFFICE OF THE SECRETARY

The Office of the Secretary compiles and maintains the ITC's official records, including petitions, briefs, and other legal documents. In FY 1994, a total of 9,253 documents were filed with the office.

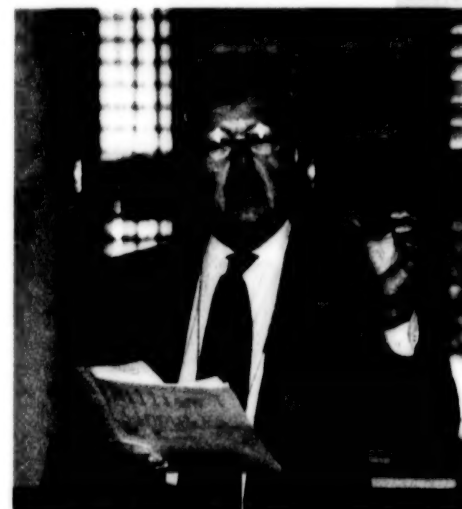
Under the direction of the Secretary, the office issues ITC notices, reports, and orders, and it schedules and participates in all Commission meetings (37 in FY 1994) and hearings (23 days of hearings in FY 1994). The office makes determinations on requests for confidential treatment of information, requests for information to be released under protective order, and requests under the Freedom of Information Act (FOIA). The following table shows the number of these requests in FY 1993 and FY 1994:

Type of request	FY 1993	FY 1994
Requests for confidential treatment	444	311
Requests for release of confidential business information under protective order	351	195
FOIA requests:		
Received	55	85
Granted in whole or in part	35	53

The Office of the Secretary receives surety bonds or other collateral posted by parties in connection with the temporary exclusion orders issued in section 337 investigations. The Secretary is also authorized to issue seizure letters authorizing the U.S. Customs Service to hold certain merchandise when a prohibited importation is

attempted. In addition, the Secretary issues administrative protective orders in cases filed before binational panels under the auspices of the NAFTA. The Secretary monitors alleged breaches of ITC administrative protection orders.

The Office of the Secretary manages distribution of ITC reports and studies through its Publications Branch, responding to an average of 1,200 requests monthly. In addition, each month an average of 200 visitors as well as ITC staff use the office's public files for research purposes. Research facilities are available in the Office of the Secretary (room 112) and in the ITC National Library of International Trade and the ITC Law Library. Inquiries should be directed to the specific organizational unit or to the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. Publications may be ordered 24 hours a day, seven days a week, by calling 202-205-1809. Recorded information on the latest petitions and complaints filed with the ITC can be obtained by calling 202-205-2196.



OFFICE OF EXECUTIVE AND INTERNATIONAL LIAISON

The Office of Executive and International Liaison manages the technical assistance that the ITC provides to the USTR and other executive branch agencies in the operation of the trade agreements program and in the execution of U.S. trade policy.

The Director is the ITC's representative on the inter-agency Trade Policy Staff Committee (TPSC) and an advisor to the Trade Policy

International and Executive Liaison Bill Hart, who has served the Commission for more than 45 years, offers an overview of ITC history and activities to a gathering of the agency's summer interns.



Vice Chairman Janet Nuzum (center) confers with General Counsel Lyn Schlitt (far right) and Secretary Donna Koehnke.

Review Group (TPRG). The TPSC and TPRG, which are chaired by the USTR, are the principal subcabinet interagency trade policy coordination groups. The office provides assistance to the agencies responsible for trade policy formulation and keeps Commissioners and senior ITC staff informed of developing trade issues that might affect the agency's mission.

The office serves as liaison with the USTR in coordinating Presidential requests for advice and information on trade issues. In FY 1994, the ITC completed

one investigation that had been requested by the USTR under section 332 of the Tariff Act of 1930 and two investigations requested by the President — one under section 22 of the Agricultural Adjustment Act of 1933 and one under section 406 of the Trade Act of 1974. The ITC continued its work on a section 332 investigation on the economic effects of antidumping and countervailing duty orders and suspension agreements and instituted two USTR-requested section 332 investigations — one on the effects on U.S. businesses of the Arab League boycott of Israel and the other on

the U.S. schedule of services commitments, required as part of the GATT Uruguay Round of multilateral trade agreements. The Office of Executive and International Liaison also oversees the preparation of Presidential proclamations that implement U.S. trade policy decisions concerning modifications to the HTS.

The office also manages interactions between the Commission and the international trade community, coordinating requests for assistance from U.S. embassies abroad in connection with the Commission's investigations and studies as well as arranging and participating in meetings with representatives of foreign governments and international organizations.

During FY 1994, the office assisted the USTR in preparation of the U.S. schedule of NAFTA staged tariff reductions and the Presidential proclamation of NAFTA tariff modifications. The office continued its support of the GATT Uruguay Round trade negotiations through preparation of the official schedule of U.S. tariff commitments and the draft Presidential procla-

mation of Uruguay Round tariff modifications. Assistance was also provided to the USTR in negotiations to accelerate the removal of duties under the NAFTA.

OFFICE OF THE GENERAL COUNSEL

The General Counsel serves as the ITC's chief legal advisor. The General Counsel and the 22 attorneys in the office provide legal advice and support to the Commissioners and ITC staff on statutory investigations, prepare briefs and represent the ITC in court and before binational panels and administrative tribunals, and provide assistance and advice on general administrative matters, including ethics, personnel and labor relations, and contracts. Appendix E of this report details the litigation matters completed or terminated during FY 1994 or pending at year-end. The office also provides assistance and support in the drafting of new ITC rules of practice and procedure. During FY 1994, final amendments were made to the rules governing section 337 investigations, and amendments were made to

other rules to reflect changes required by the NAFTA.

General Counsel attorneys serve as members of investigative teams assigned to antidumping and countervailing duty investigations and investigations under other statutory authorities.

Early in the fiscal year, attorneys in the office prepared substantial portions of the ITC report to the House Committee on Ways and Means on a proposed reorganization of U.S. trade relief laws.

When requested, the office provides technical assistance to the Congress and the executive branch on tariff and trade matters. During FY 1994, the office was called upon to provide technical assistance and support to the U.S. delegation to the GATT Uruguay Round trade negotiations in Geneva as well as to the Administration and Congress in the process of developing implementing legislation. Most such assistance and support is with regard to U.S. laws that are administered by the ITC but based on provisions in the GATT and GATT Codes. Office attorneys also provided technical assistance to USTR

staff in defending challenges to ITC antidumping and countervailing duty determinations brought under the GATT Anti-dumping and Subsidies Codes.

OFFICE OF PUBLIC AFFAIRS

The Office of Public Affairs is the ITC's primary liaison with the public and the news media. The office develops and implements information programs to educate a variety of audiences about the ITC, its mission, and its role in U.S. international trade matters.

Through its Director, the office serves as spokesperson for the ITC. It maintains an active relationship with the national and international news media, responding to inquiries, issuing news releases concerning Commission determinations, publicizing ITC studies and publications, and arranging interviews with Commissioners and staff experts. The office prepares and disseminates brochures, pamphlets, and other materials to enhance public understanding of the ITC. It also advises the Commission and agency staff



on public affairs issues and practices.

Public Affairs also directs the ITC visitors program. During FY 1994, the office arranged ITC visits for 199 individuals from 69 countries, including government officials, journalists, businessmen, economists, bankers, attorneys, professors, and students.

The Office of Public Affairs manages logistics for ITC field hearings, such as those held in Bismarck, ND, and Shelby, MT, during FY 1994. Here, (l-r) Congressman Pat Williams (D-MT), Senator Max Baucus (D-MT), and Senator Conrad Burns (R-MT) testify at the Shelby, MT, field hearing in connection with the ITC's section 22 investigation involving wheat, wheat flour, and semolina.

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PART III. MANAGEMENT AND FINANCE

The ITC maintains an expert staff of professional international trade and nomenclature analysts, investigators, attorneys, economists, computer specialists, and administrative support personnel. All ITC personnel are located at 500 E Street, SW, Washington, DC 20436.

At the end of FY 1994, a total of 441 permanent employees were employed by the ITC.

A breakdown of staff, by organization, is shown at the right:

Organizational unit	Number as of September 30, 1994
Commissioners	6
Offices of the Commissioners	24
Office of the Administrative Law Judges	9
Office of the Secretary	14
Office of Public Affairs	2
Office of Executive and International Liaison	4
Office of Congressional Liaison	2
Office of the General Counsel	40
Office of Inspector General	3.5
Office of the Director of Operations	4
Office of Economics	43
Office of Industries	122
Office of Investigations	34
Office of Tariff Affairs and Trade Agreements	17
Office of Unfair Import Investigations	15
Trade Remedy Assistance Office	1.5
Office of Information Services	30
Library Services	10
Office of the Director of Administration	5
Office of Finance and Budget	11
Office of Management Services	35
Office of Personnel	8
Equal Employment Opportunity	1
Total	441

The ITC submits its budget to the President for transmittal to Congress. Because of the unique role of the ITC as a quasi-judicial, nonpartisan, independent agency designed to provide trade expertise to the legislative and executive branches of government, Congress provided in section 175 of the Trade Act of 1974 (19 U.S.C. 2232) that the ITC budget would not be subject to control by the Office of Management and Budget, but would instead be submitted directly to Congress.

During FY 1994, appropriated funds made available to the ITC amounted to \$44,873,000. Obligations for FY 1993 and FY 1994 (in thousands of dollars) are shown at the right:

Item	FY 1993	FY 1994
Salaries and personnel benefits	29,431	30,080
Travel and transportation	567	419
Rental and communication services	8,764	8,838
Other services	2,421	2,395
Printing and reproduction	186	166
Equipment, supplies, and material	2,110	1,160
Total	43,479	43,058

FIGURE 1
ITC ORGANIZATION

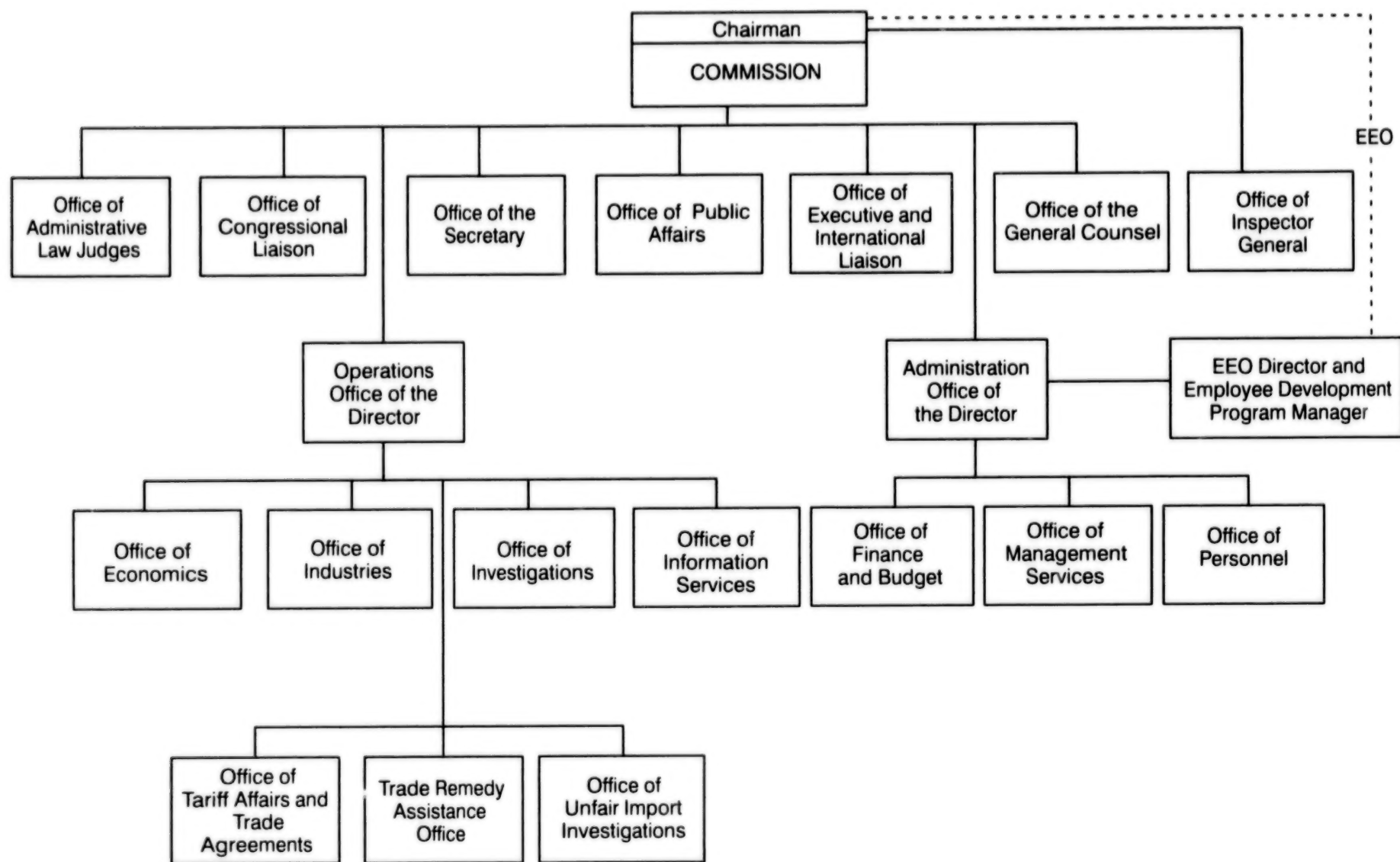


FIGURE 2 SUMMARY OF PRINCIPAL ACTIVITIES, FISCAL YEAR 1994

The chart below shows the percentage of ITC activities in terms of personnel compensation based on the activity records compiled by the Office of Finance and Budget.

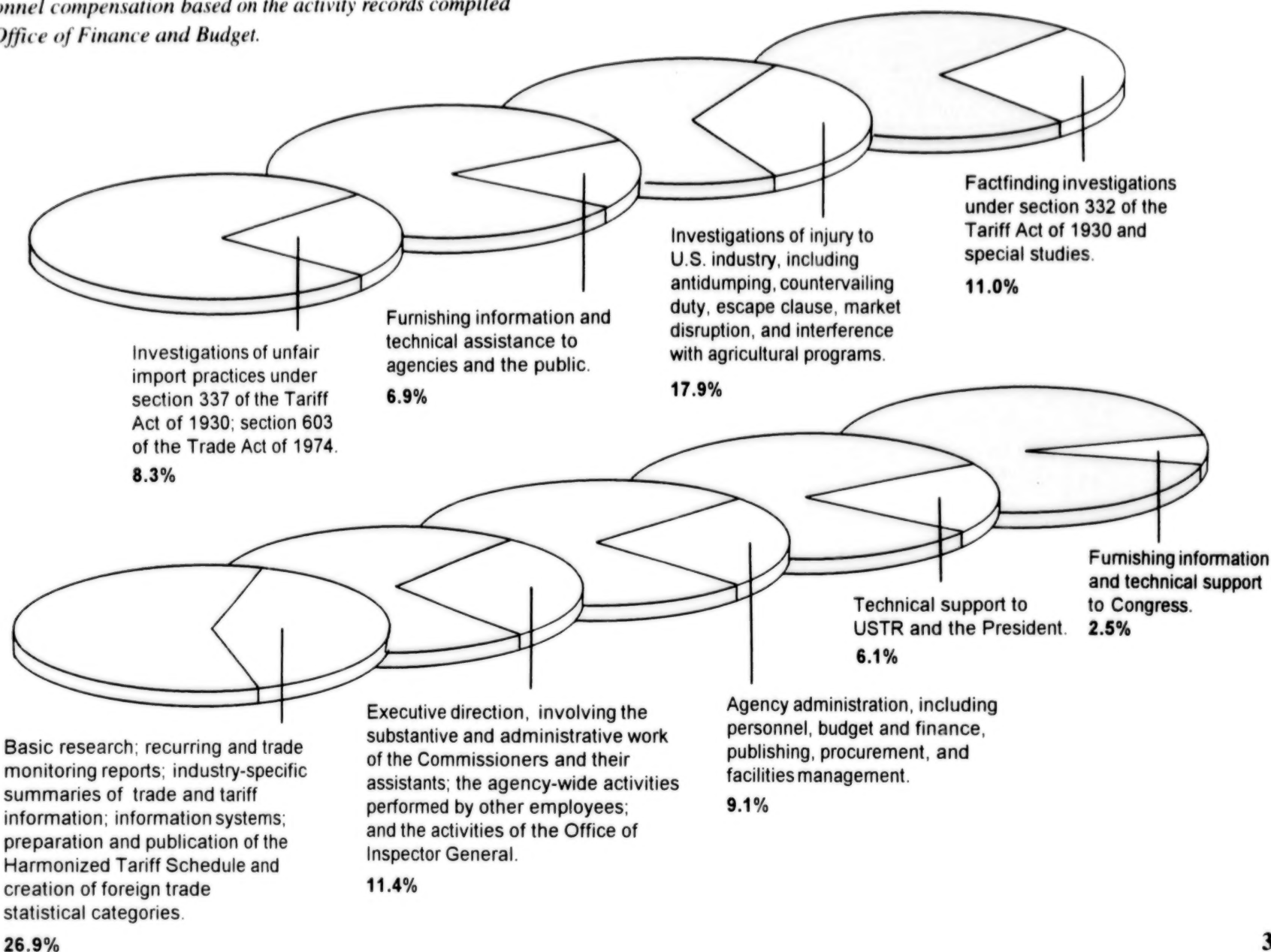
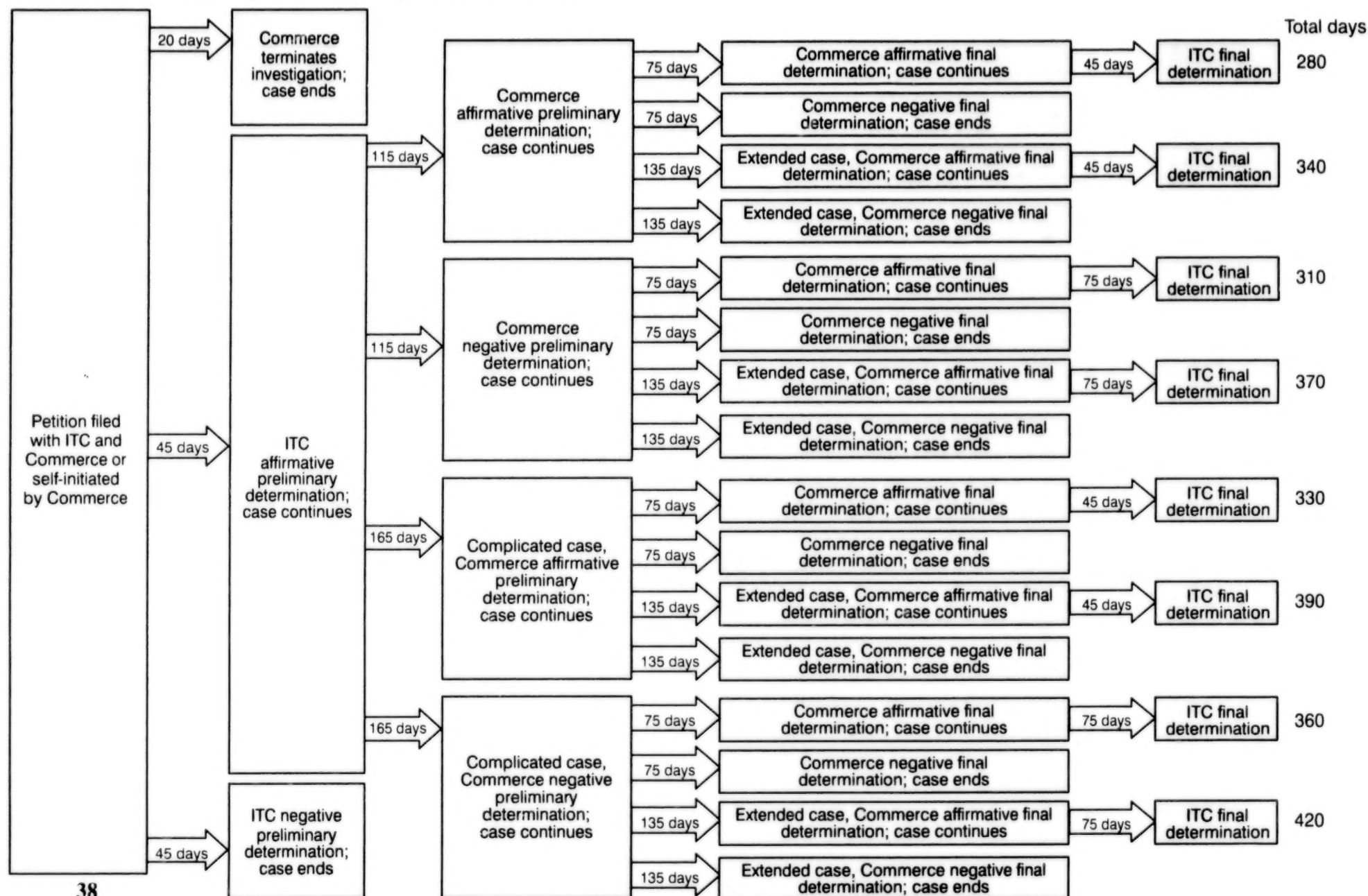
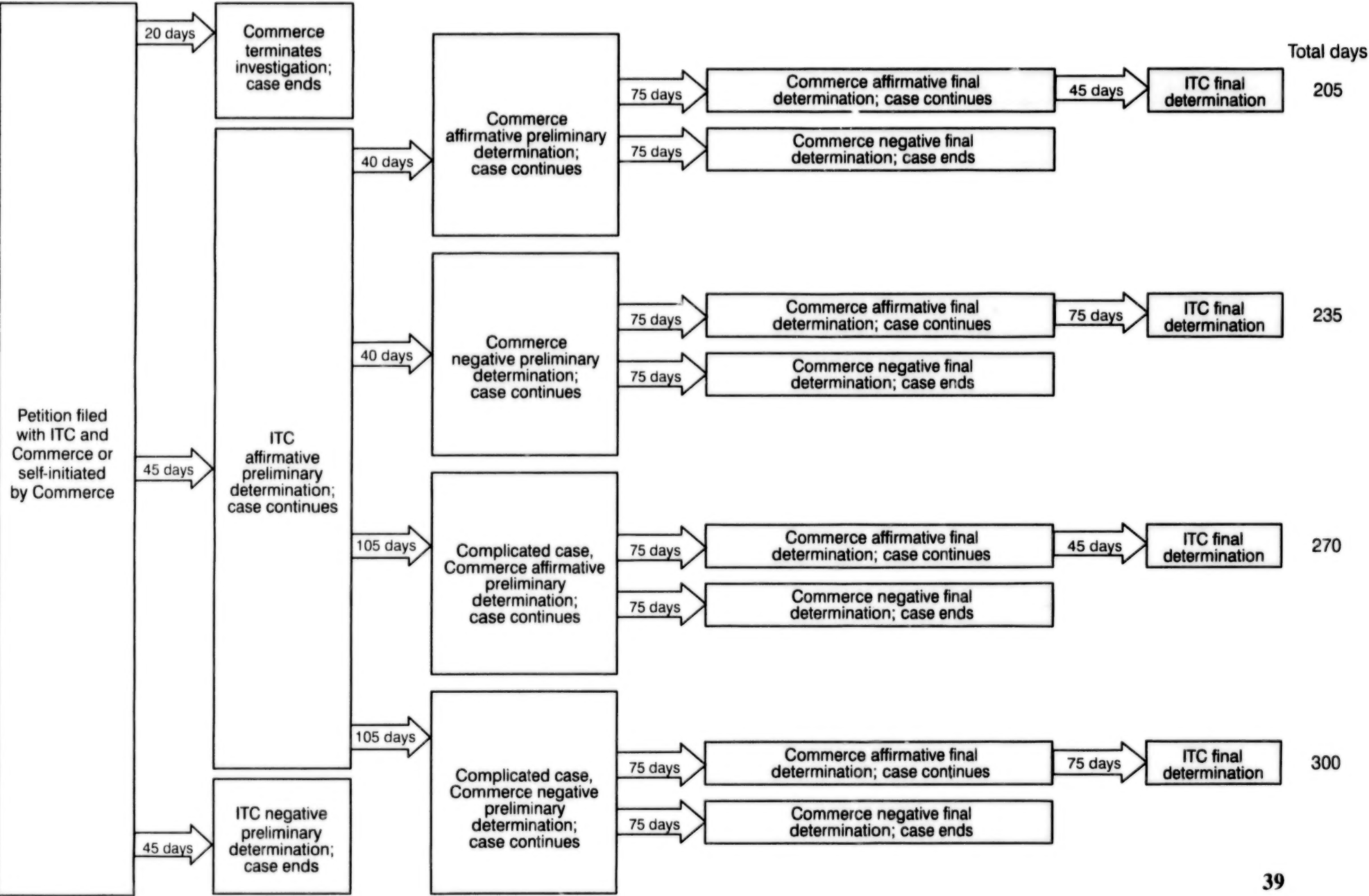


FIGURE 3 STATUTORY TIMETABLES FOR ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS

Statutory timetable for antidumping investigations (in days)



Statutory timetable for countervailing duty investigations (in days)



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APPENDIXES

APPENDIX A

SUMMARY OF INVESTIGATIONS COMPLETED DURING FISCAL YEAR 1994 AND PENDING ON SEPTEMBER 30, 1994

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Table 1

General investigations of trade and tariff matters completed under secs. 332, 503, and 131 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-200 <i>Competitive Position of U.S. Producers of Semiconductors</i> (terminated 9-28-94)	Instituted by the Commission on its own motion	(¹)	(¹)
332-267 <i>Implementing the European Community Single Market: Sixth Followup Report</i>	Request from the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate	2723	January 1994
332-339 <i>Global Competitiveness of U.S. Advanced-Technology Industries: Computers</i>	Request from the Committee on Finance, U.S. Senate	2705	December 1993
332-341 <i>Proposed Reorganization of U.S. International Trade Relief Laws</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	2717	January 1994
332-342 <i>Metallurgical Coke: Baseline Analysis of the U.S. Industry and Imports</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	2745	March 1994
TA-131-20, 503(a)-25, and 332-346 <i>President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences</i>	Request from the United States Trade Representative	2725	January 1994
332-348 <i>United States-Canada Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Immediate Elimination of U.S. Tariffs on Certain Articles from Canada</i>	Request from the United States Trade Representative	Confidential	February 1994
332-352 <i>Andean Trade Preference Act: Effect on the U.S. Economy and on Andean Drug Crop Eradication</i>	Required by sec. 206 of the Andean Trade Preference Act	2814	September 1994
332-353 <i>Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements</i>	Request from the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate	2970 and 2971	June 1994

Table 1—Continued

General investigations of trade and tariff matters completed under secs. 332, 503, and 131 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332–355 <i>North American Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles from Mexico and Canada</i>	Request from the United States Trade Representative	Confidential	August 1994

¹ Not applicable.

Table 2

General investigations of trade and tariff matters under secs. 332, 503, and 131 of the Tariff Act of 1930, and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1994

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-135 <i>Synthetic Organic Chemicals United States Production and Sales, 1992</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	2720	February 1994
332-175 <i>Rum: Annual Report (Covering 1992 and 1993) on Selected Economic Indicators</i>	Request from the Committee on Finance, U.S. Senate	2785	June 1994
332-191 <i>Nonrubber Footwear Quarterly Statistical Report</i>	Request from the Committee on Finance, U.S. Senate	2711	December 1993
		2752	March 1994
		2789	June 1994
		2808	September 1994
332-207 <i>The U.S. Automobile Industry Monthly Report on Selected Economic Indicators</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	2698	October 1993
		2712	November 1993
		2718	December 1993
		2732	January 1994
		2754	February 1994
		2768	March 1994
		2774	April 1994
		2781	May 1994
		2795	June 1994
		2802	July 1994
		2806	August 1994
		2817	September 1994
332-227 <i>The Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers</i>	Required by sec. 215(a), Caribbean Basin Economic Recovery Act	2813	September 1994
332-237 <i>Production Sharing: U.S. Imports under Har- monized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80, 1989-1992</i>	Instituted by the Commission on its own motion	2729	February 1994
332-288 <i>Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports</i>	Required by the Steel Trade Liberalization Program Implementation Act	(¹)	(¹)
332-325 <i>The Economic Effects of Significant U.S. Import Restraints</i>	Request from the United States Trade Representative	2699	November 1993
332-327 <i>Steel Semiannual Monitoring Report</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	2759	April 1994
		2807	September 1994

Table 2—Continued

General investigations of trade and tariff matters under secs. 332, 503, and 131 of the Tariff Act of 1930, and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1994

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-343 <i>U.S. Imports of Textiles and Apparel Under the Multifiber Arrangement Annual Report for 1993</i>	Instituted by the Commission on its own motion	2763	March 1994
332-344 <i>The Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements</i>	Request from the United States Trade Representative	(²)	(¹)
332-345 <i>U.S. Trade Shifts in Selected Industries 1993 Annual Report</i>	Instituted by the Commission on its own motion	2805	September 1994
332-347 <i>Global Competitiveness of U.S. Environmental Technology Industries: Municipal and Industrial Water and Wastewater</i>	Request from the Committee on Finance, U.S. Senate	(²)	(¹)
332-349 <i>Effects of the Arab League Boycott of Israel on U.S. Businesses</i>	Request from the United States Trade Representative	(²)	(¹)
332-350 <i>Monitoring of U.S. Imports of Tomatoes</i>	Required by the North American Free-Trade Agreement Implementation Act	2771	May 1994
332-351 <i>Monitoring of U.S. Imports of Peppers</i>	Required by the North American Free-Trade Agreement Implementation Act	2782	June 1994
332-354 <i>U.S. Schedule of Services Commitments</i>	Request from the United States Trade Representative	(²)	(¹)
332-356 <i>President's List of Articles Which May Be Designated or Modified as Eligible for Purposes of the U.S. Generalized System of Preferences</i>	Request from the United States Trade Representative	(²)	(¹)
1205-3 <i>Proposed Modifications to the Harmonized Tariff Schedule of the United States, Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (Addendum)</i>	Instituted by the Commission on its own motion	(³)	(¹)

Table 2—Continued

General investigations of trade and tariff matters under secs. 332, 503, and 131 of the Tariff Act of 1930, and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1994

Investigation No. and title	Origin	USITC publication—	
		No.	Date
1205-4 <i>Proposed Modifications to the Harmonized Tariff Schedule of the United States, Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988</i>	Instituted by the Commission on its own motion	(²)	(¹)

¹ Not applicable.

² In progress at end of FY 1994.

³ The investigation was re-opened by the Commission for the purpose of issuing a draft

addendum to its previous report on investigation 1205-3, USITC publication 2673. The following draft addendum was not assigned a publication number.

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Table 3
Investigations completed under sec. 337 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-342 <i>Certain Circuit Board Testers</i>	Integri-Test Corp.; Commack, NY	9-25-92; 10-14-92 (supplement)	11-2-92	(¹)	Terminated ²	10-13-93	(¹)
337-TA-344 <i>Certain Cutting Tools for Flexible Plastic Conduit and Components Thereof</i>	Dawn Industries, Inc.; Dextel Inc.; Duane Robertson; Denver, CO	10-30-92; 11-13-92 and 11-17-92 (supplements)	12-2-92	(¹)	Violation ³	12-3-93	2719
337-TA-345 <i>Certain Anisotropically Etched One Megabit and Greater Drams, Components Thereof and Products Contain- ing Such Drams</i>	Micron Semiconductor Inc.; Boise, ID	11-13-92; 12-3-92 (supplement)	12-18-92	(¹)	Terminated ²	3-9-94	(¹)
337-TA-347 <i>Certain Anti-Theft Deactivatable Resonant Tags and Components Thereof</i>	Checkpoint Systems, Inc.; Thorofare, NJ	2-2-93; 2-23-93 (amendment)	3-10-93	(¹)	Terminated; no violation	3-10-94	2811
337-TA-348 <i>Certain In-Line Roller Skates With Ventilated Boots and In-Line Roller Skates With Axle Aperture Plugs and Component Parts Thereof</i>	Rollerblade, Inc.; Minnetonka, MN	2-18-93; 3-11-93 (amendment)	3-25-93	(¹)	Terminated ⁴	11-3-93	(¹)
337-TA-350 <i>Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives</i>	Harry E. Aine; Sumrall, MS	3-26-93; 4-16-93 and 4-20-93 (supplements)	5-5-93	(¹)	Terminated ²	4-15-94	(¹)
337-TA-351 <i>Certain Removable Hard Disk Cartridges and Products Containing Same</i>	SyQuest Technology, Inc.; Fremont, CA	4-16-93; 5-12-93 (amendment); 5-13-93 (supplement)	5-27-93	(¹)	Terminated ⁵	4-28-94	(¹)

Table 3—Continued

Investigations completed under sec. 337 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-352 <i>Certain Personal Computers With Memory Management Information Stored In External Memory and Related Materials</i>	Intel Corp.; Santa Clara, CA	5-7-93	6-16-93	(¹)	Terminated ⁶	7-11-94	(¹)
337-TA-353 <i>Certain Lens Panels for Lighting Fixtures, Kits Containing Same, and Fixtures Containing Same</i>	Alan-Tracy, Inc.; North Miami Beach, FL	6-3-93; 6-25-93 (amendment)	7-9-93	(¹)	Terminated ⁷	11-3-93	(¹)
337-TA-354 <i>Certain Tape Dispensers</i>	Minnesota Mining & Manufacturing Co.; St. Paul, MN	6-14-93; 6-30-93 (amendment)	7-21-93	(¹)	Violation ⁸	5-3-94	2786
337-TA-355 <i>Certain Vehicle Security Systems and Components Thereof</i>	Code-Alarm, Inc.; Madison Heights, MI	7-16-93; 8-5-93 (supplement)	8-25-93	(¹)	Terminated ⁹	6-3-94	2815
337-TA-356 <i>Certain Integrated Circuit Devices, Processes for Making Same, Components Thereof and Products Containing Same</i>	National Semiconductor Corp.; Santa Clara, CA Fairchild Semiconductor Corp.; Santa Clara, CA	7-26-93; 8-11-93 (supplement)	9-1-93	(¹)	Terminated ²	3-22-94	(¹)
337-TA-357 <i>Certain Sports Sandals and Components Thereof</i>	Deckers Corp.; Carpinteria, CA	8-9-93; 8-23-93 (supplement)	9-9-93	(¹)	Terminated ¹⁰	9-6-94	(¹)
337-TA-359 <i>Certain Dielectric Miniature Microwave Filters and Multiplexers Containing Same</i>	Space Systems/Loral, Inc.; Palo Alto, CA	10-4-93; 10-29-93 (supplement)	11-18-93	(¹)	Terminated ¹¹	7-25-94	(¹)

Table 3—Continued

Investigations completed under sec. 337 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-362 <i>Certain Methods of Assembling Plastic Ball Valves and Components Thereof</i>	Measurement & Flow Control Holding Co., Inc.; Wilmington, DE Nordstrom Valves, Inc.; Sulphur Springs, TX	11-8-93; 12-1-93 (supplement)	12-16-93	(¹)	Terminated ¹²	5-5-94	(¹)
337-TA-363 <i>Certain Multibrand Infrared Remote Control Transmitters</i>	Zenith Electronics Corp.; Glenview, IL	12-21-93; 1-10-94 (amendment)	1-28-94	(¹)	Terminated	4-18-94	2788

¹ Not applicable.² Settlement agreement.³ Limited exclusion order and cease and desist order. President took no action; became final 2-4-94.⁴ Consent orders for two respondents and patent licensing agreement for 10 respondents; complainant withdrew complaint with respect to

the remaining 15 respondents.

⁵ Terminated one respondent; the remaining four respondents were terminated on the basis of a settlement agreement and memorandum of understanding.⁶ Terminated because of the collateral estoppel effect of the district court judgment.⁷ Terminated without prejudice.⁸ General exclusion order. President took no action; became final 7-2-94.⁹ Summary determination of patent invalidity.¹⁰ Consent order.¹¹ Settlement agreement; expiration of temporary exclusion order.¹² Settlement agreement for two parties and withdrawal of complaint of remaining respondents.

Table 4
Investigations under sec. 337 of the Tariff Act of 1930 pending on Sept. 30, 1994

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date
337-TA-349 <i>Certain Diltiazem Hydrochloride and Diltiazem Preparations</i>	Tanabe Seiyaku Co., Ltd.; Osaka, Japan Marion Merrell Dow, Inc.; Kansas City, MO	2-25-93; 3-23-93 (amendment)	3-31-93
337-TA-358 <i>Certain Recombinantly Produced Human Growth Hormones</i>	Genentech, Inc.; South San Francisco, CA	3-16-93; 3-30-93, 3-31-93, 4-5-93, 4-6-93, 4-9-93, 4-12-93, and 4-22-93 (supplements); 8-18-93 (amendment)	9-29-93
337-TA-360 <i>Certain Devices for Connecting Computers Via Telephone Lines</i>	Farallon Computing, Inc.; Alameda, CA	10-12-93; 11-1-93 (amendment); 11-2-93 (supplement)	11-17-93
337-TA-361 <i>Certain Portable On-Car Disc Brake Lathes and Components Thereof</i>	Pro-Cut International, Inc.; Lebanon, NH	10-22-93; 11-15-93 (supplement)	12-1-93
337-TA-364 <i>Certain Curable Fluoroelastomer Compositions and Precursors Thereof</i>	Minnesota Mining & Manufacturing Co.; St. Paul MN	2-7-94	3-16-94
337-TA-365 <i>Certain Audible Alarm Devices for Divers</i>	David A. Hancock and Ideations Design Inc.; Seattle, WA	4-28-94; 5-23-94 (supplements)	6-8-94
337-TA-366 <i>Certain Microsphere Adhesives, Process for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes</i>	Minnesota Mining & Manufacturing Co.; St. Paul, MN	5-9-94; 5-27-94 (amendment)	6-8-94
337-TA-367 <i>Certain Facsimile Machines and Components Thereof</i>	Ricoh Co. Ltd.; Tokyo, Japan Ricoh Corp.; West Caldwell, NJ	8-1-94; 8-22-94 (supplement); 8-25-94 (amendment)	9-8-94
337-TA-368 <i>Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same</i>	Ovonic Battery Co. Inc.; Energy Conversion Devices, Inc.; Troy, MI	8-8-94; 5-11-94 (amendment); 8-30-94 (amendment and supplement)	9-14-94

Table 5

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC publication No.
701-TA-312 <i>Softwood Lumber from Canada (remand)</i>	(1)	(1)	(1)	(1)	(1)	(a) 7-26-93 (b) (1) (c) 10-18-93	Newquist Watson Rohr Crawford	Brunsdale Nuzum	(1)	2689
701-TA-312 <i>Softwood Lumber from Canada (second remand)</i>	(1)	(1)	(1)	(1)	(1)	(a) 1-28-94 (b) (1) (c) 3-14-94	Newquist Rohr Crawford	Watson Nuzum	Brunsdale ²	2753
701-TA-355 <i>Grain-Oriented Silicon Electrical Steel from Italy</i>	(a) 8-26-93 (b) 9-16-93 (c) 10-12-93	Newquist Rohr Brunsdale Crawford Nuzum	(1)	Watson ³	2686	(a) 1-28-94 (b) 4-12-94 (c) 5-27-94	Newquist Rohr Nuzum	Crawford	Bragg ⁴ Watson ³	2778
701-TA-356 <i>Phthalic Anhydride from Brazil (terminated 11-30-93)</i>	(a) 10-22-93	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
701-TA-357-358 <i>Phthalic Anhydride from Israel and Mexico</i>	(a) 10-22-93 (b) 11-15-93 (c) 12-6-93	Nuzum Rohr ⁵	Newquist Watson Rohr ⁶ Brunsdale Crawford	(1)	2709	(1)	(1)	(1)	(1)	(1)
701-TA-359 <i>Steel Wire Rod from Germany</i>	(a) 2-14-94 (b) 3-4-94 (c) 3-31-94	Newquist	Watson Rohr Crawford Nuzum	(1)	2760	(1)	(1)	(1)	(1)	(1)
701-TA-360-361 <i>Certain Carbon Steel Butt-Weld Pipe Fittings from India and Israel</i>	(a) 2-28-94 (b) 3-21-94 (c) 4-14-94	Newquist Watson Rohr Crawford Nuzum	(1)	Bragg ⁴	2767	(1)	(1)	(1)	(1)	(1)

Table 5—Continued

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
701-TA-362 <i>Certain Seamless Carbon and Alloy Standard, Line, and Pressure Steel Pipe from Italy</i>	(a) 6-23-94 (b) 7-14-94 (c) 8-8-94	Watson Nuzum Rohr Crawford Bragg	(¹)	Newquist ⁷	2801	(¹)	(¹)	(¹)	(¹)	(¹)
701-TA-363-364 <i>Oil Country Tubular Goods from Austria and Italy</i>	(a) 6-30-94 (b) 7-22-94 (c) 8-15-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2803	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

² Commissioner Brunsdale did not participate because the remand concerned only the affirmative determination of then-Chairman Newquist, then-Vice Chairman Watson, and Commissioner Rohr. She had made a negative determination in the investigation on 7-6-92 and never changed her position thereafter.

³ Then-Vice Chairman Watson did not participate to avoid an appearance of a conflict of interest.

⁴ Commissioner Bragg did not participate because her entry on duty was too recent to permit adequate preparation.

⁵ With respect to imports from Mexico.⁶ With respect to imports from Israel.

⁷ Commissioner Newquist was unable to participate because of a telecommunications failure.

Table 6

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation					
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC publication No.	
731-TA-636-637 <i>Stainless Steel Wire Rod from Brazil and France</i>	(1)	(1)	(1)	(1)	(1)	(a) 8-2-93 (b) 10-14-93 (c) 1-21-94	Newquist Watson Rohr Crawford Nuzum	Brunsdale	(1)	2721	
731-TA-638 <i>Stainless Steel Wire Rod from India</i>	(1)	(1)	(1)	(1)	(1)	(a) 8-2-93 (b) 10-14-93 (c) 11-23-93	Newquist Watson Rohr Nuzum	Brunsdale Crawford	(1)	2704	
731-TA-639-640 <i>Stainless Steel Flanges from India and Taiwan</i>	(1)	(1)	(1)	(1)	(1)	(a) 8-2-93 (b) 12-22-93 (c) 2-2-94	Newquist Watson Rohr Nuzum	Brunsdale Crawford	(1)	2724	
731-TA-641 <i>Ferrosilicon from Brazil</i>	(1)	(1)	(1)	(1)	(1)	(a) 8-12-93 (b) 9-14-93 (c) 1-24-94	Newquist Watson Rohr Brunsdale Crawford Nuzum	(1)	(1)	2722	
731-TA-642 <i>Ferrosilicon from Egypt</i>	(1)	(1)	(1)	(1)	(1)	(a) 6-25-93 (b) 9-14-93 (c) 10-22-93	Newquist	Watson Rohr Brunsdale Crawford Nuzum	(1)	2688	
731-TA-643 <i>Defrost Timers from Japan</i>	(1)	(1)	(1)	(1)	(1)	(a) 8-24-93 (b) 1-11-94 (c) 2-22-94	Watson Rohr Brunsdale Crawford Nuzum	(1)	Newquist ²	2740	
731-TA-644 <i>Welded Stainless Steel Pipe from Malaysia</i>	(1)	(1)	(1)	(1)	(1)	(a) 9-1-93 (b) 1-27-94 (c) 3-7-94	Newquist Rohr	Watson Brunsdale Crawford Nuzum	(1)	2744	

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation					
	(a) Request (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.	
731-TA-645 <i>Certain Calcium Aluminate Cement and Cement Clinker from France</i>	(1)	(1)	(1)	(1)	(1)	(a) 11-1-93 (b) 3-31-94 (c) 5-2-94	(1)	Newquist Watson Rohr Crawford Nuzum	Bragg ³	2772	
731-TA-645 <i>Calcium Aluminate Flux from France</i> ⁴	(1)	(1)	(1)	(1)	(1)	(a) 3-23-94 (b) 3-31-94 (c) 6-6-94	Newquist Rohr Nuzum	Watson Crawford	Bragg ³	2780	
731-TA-646 and 648 <i>Steel Wire Rod from Brazil and Japan</i>	(1)	(1)	(1)	(1)	(1)	(a) 11-26-93 (b) 2-15-94 (c) 3-25-94	Newquist	Watson Rohr Crawford Nuzum	(1)	2761	
731-TA-647 <i>Steel Wire Rod from Canada (terminated 5-3-94)</i>	(1)	(1)	(1)	(1)	(1)	(a) 11-26-93	(1)	(1)	(1)	(1)	
731-TA-650 <i>Nitromethane from the People's Republic of China</i>	(1)	(1)	(1)	(1)	(1)	(a) 11-4-93 (b) 3-29-94 (c) 5-6-94	Crawford	Newquist Watson Rohr Nuzum	Bragg ³	2773	
731-TA-651 <i>Silicon Carbide from the People's Republic of China</i>	(1)	(1)	(1)	(1)	(1)	(a) 12-8-93 (b) 5-2-94 (c) 6-6-94	(1)	Newquist Watson Rohr Crawford Nuzum	Bragg ³	2779	

Table 6—Continued
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation					
	(a) Request (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not parti- cipating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not parti- cipating	USITC publi- cation No.	
731-TA-652 <i>Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands</i>	(¹)	(¹)	(¹)	(¹)	(¹)	(a) 12-14-93 (b) 5-5-94 (c) 6-15-94	Newquist Watson Rohr Crawford Nuzum	(¹)	Bragg ³	2783	
731-TA-653 <i>Sebacic Acid from the People's Republic of China</i>	(¹)	(¹)	(¹)	(¹)		(a) 1-4-94 (b) 5-24-94 (c) 7-5-94	Nuzum Newquist Crawford Bragg	Watson Rohr	(¹)	2793	
731-TA-658 <i>Class 150 Stainless Steel Threaded Pipe Fittings from Taiwan (terminated 7-26-94)</i>	(¹)	(¹)	(¹)	(¹)	(¹)	(a) 3-5-94	(¹)	(¹)	(¹)	(¹)	
731-TA-659 <i>Grain-Oriented Silicon Electrical Steel from Italy</i>	(a) 8-26-93 (b) 9-16-93 (c) 10-12-93	Newquist Rohr Brunsdale Crawford Nuzum	(¹)	Watson ⁵	2686	(a) 1-28-94 (b) 4-12-94 (c) 8-8-94	Nuzum Rohr Newquist	Crawford	Watson ⁵ Bragg ³	2800	
731-TA-660 <i>Grain-Oriented Silicon Electrical Steel from Japan</i>	(a) 8-26-93 (b) 9-16-93 (c) 10-12-93	Newquist Watson Rohr Brunsdale Crawford Nuzum			2686	(a) 1-28-94 (b) 4-12-94 (c) 5-27-94	Newquist Watson Rohr Crawford Nuzum	(¹)	Bragg ³	2778	
731-TA-661-662 <i>Color Negative Photographic Paper and Certain Chemical Components from Japan and the Netherlands</i>	(a) 8-31-93 (b) 9-22-93 (c) 10-15-93	Newquist Watson Rohr Brunsdale Crawford Nuzum	(¹)	(¹)	2687	(¹)	(¹)	(¹)	(¹)	(¹)	

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing Report to Secretary of Commerce (c)	Affirmative	Negative	Not participating	USITC publication No.
731-TA-663 <i>Certain Paper Clips from the People's Republic of China</i>	(a) 10-13-93 (b) 11-3-93 (c) 11-29-93	Newquist Watson Rohr Brunsdale Crawford Nuzum	(¹)	(¹)	2707	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-664-667 <i>Phthalic Anhydride from Brazil, Hungary, Israel, and Mexico</i>	(a) 10-22-93 (b) 11-15-93 (c) 12-6-93	Watson ⁶ Rohr ⁷ Nuzum ⁸	Newquist Watson ⁹ Rohr ¹⁰ Brunsdale Crawford Nuzum ¹¹		2709	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-668 <i>Phthalic Anhydride from Venezuela</i>	(a) 10-22-93 (b) 11-15-93 (c) 12-6-93	Watson Rohr Nuzum	Newquist Brunsdale Crawford		2709	(a) 5-25-94 (b) 8-9-94 (c) 9-21-94	(¹)	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	2809
731-TA-669-670 <i>Certain Cased Pencils from the People's Republic of China and Thailand</i>	(a) 11-10-93 (b) 12-1-93 (c) 12-27-93	Newquist Watson Rohr Brunsdale ¹² Crawford ¹² Nuzum	Brunsdale ¹³ (¹) Crawford ¹³		2713	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-671-674 <i>Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela</i>	(a) 11-9-93 (b) 12-3-93 (c) 12-27-93	Newquist Watson Rohr Brunsdale Crawford Nuzum			2714	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-675-676 <i>Saccharin from China and Korea</i>	(a) 11-18-93 (b) 12-9-93 (c) 1-3-94	Newquist Watson Rohr Brunsdale Crawford Nuzum			2716	(¹)	(¹)	(¹)	(¹)	(¹)

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
731-TA-677 <i>Coumarin from the People's Republic of China</i>	(a) 12-30-93 (b) 1-20-94 (c) 2-14-94	Newquist Watson Rohr Brunsdale Crawford Nuzum	(1)	(1)	2733	(1)	(1)	(1)	(1)	(1)
731-TA-678-682 <i>Stainless Steel Bar from Brazil, India, Italy, Japan, and Spain</i>	(a) 12-30-93 (b) 1-20-94 (c) 2-14-94	Newquist Watson Rohr Brunsdale Crawford Nuzum	(1)	(1)	2734	(1)	(1)	(1)	(1)	(1)
731-TA-683 <i>Fresh Garlic from the People's Republic of China</i>	(a) 1-31-94 (b) 2-22-94 (c) 3-17-94	Newquist Watson Rohr Crawford Nuzum	(1)	(1)	2755	(1)	(1)	(1)	(1)	(1)
731-TA-684-685 <i>Fresh Cut Roses from Colombia and Ecuador</i>	(a) 2-14-94 (b) 3-8-94 (c) 3-31-94	Newquist Watson Rohr Crawford Nuzum	(1)	(1)	2766	(1)	(1)	(1)	(1)	(1)
731-TA-686 <i>Steel Wire Rod from Belgium (terminated 6-29-94)</i>	(a) 2-14-94 (b) 3-4-94 (c) 3-31-94	Newquist Rohr Nuzum	Watson Crawford	(1)	2760	(a) 6-9-94	(1)	(1)	(1)	(1)
731-TA-687 <i>Steel Wire Rod from Germany</i>	(a) 2-14-94 (b) 3-4-94 (c) 3-31-94	Newquist	Watson Rohr Crawford Nuzum	(1)	2760	(1)	(1)	(1)	(1)	(1)

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
731-TA-688-695 <i>Certain Carbon Steel Butt- Weld Pipe Fittings from France, India, Israel, Malaysia, the Republic of Korea, Thailand, the United Kingdom, and Venezuela</i>	(a) 2-28-94 (b) 3-21-94 (c) 4-14-94	Newquist ¹⁴ Watson Rohr Crawford Nuzum	(¹)	Newquist ¹⁵ Bragg ³	2767	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-696-698 <i>Magnesium from the People's Republic of China, the Russian Federation, and Ukraine</i>	(a) 3-31-94 (b) 4-21-94 (c) 5-16-94	Newquist ¹⁶ Watson ¹⁶ Rohr ¹⁶ Crawford ¹⁷ Nuzum ¹⁶	Watson ¹⁸ Rohr ¹⁸ Crawford ¹⁹ Nuzum ¹⁸	Bragg ³	2775	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-699 <i>Stainless Steel Angles from Japan</i>	(a) 4-8-94 (b) 4-29-94 (c) 5-23-94	Newquist Watson Rohr Crawford Nuzum	(¹)	Bragg ³	2777	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-700-701 <i>Disposable Lighters from the People's Republic of China and Thailand</i>	(a) 5-9-94 (b) 6-1-94 (c) 6-23-94	Watson Rohr Newquist Crawford Bragg	Nuzum	(¹)	2792	(¹)	(¹)	(¹)	(¹)	(¹)

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
731-TA-702 <i>Ferrovandium and Nitrided Vanadium from Russia</i>	(a) 5-31-94 (b) 6-21-94 (c) 7-15-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2796	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-703-705 <i>Furfuryl Alcohol from China, South Africa, and Thailand</i>	(a) 5-31-94 (b) 6-21-94 (c) 7-15-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2797	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-706 <i>Canned Pineapple Fruit from Thailand</i>	(a) 6-8-94 (b) 6-29-94 (c) 7-25-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2798	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-707-710 <i>Certain Seamless Carbon and Alloy Standard, Line, and Pressure Steel Pipe from Argentina, Brazil, Germany, and Italy</i>	(a) 6-23-94 (b) 7-14-94 (c) 8-8-94	Watson Nuzum Rohr Crawford Bragg	(¹)	Newquist ²⁰	2801	(¹)	(¹)	(¹)	(¹)	(¹)
731-TA-711-717 <i>Oil Country Tubular Goods from Argentina, Austria, Italy, Japan, Korea, Mexico, and Spain</i>	(a) 6-30-94 (b) 7-22-94 (c) 8-15-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2803	(¹)	(¹)	(¹)	(¹)	(¹)

Table 6—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
731-TA-718 <i>Glycine from the People's Republic of China</i>	(a) 7-1-94 (b) 7-22-94 (c) 8-15-94	Watson Nuzum Rohr Newquist Crawford Bragg	(¹)	(¹)	2804	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.² Then-Chairman Newquist did not participate because of illness.³ Commissioner Bragg did not participate because her entry on duty was too recent to permit adequate preparation.⁴ This was the remaining portion of antidumping investigation No. 731-TA-645 (final). Calcium Aluminate (CA) flux and CA cement/cement clinker were separated when the U.S. Department of Commerce determined in its preliminary determination that CA flux from France was not being sold at less than fair value. However, in its final determination, the Department of Commerce found that CA flux from France was being sold at less than fair value.⁵ Then-Vice Chairman Watson did not participate in order to avoid an appearance of a conflict of interest.⁶ With respect to imports from Brazil.⁷ With respect to imports from Mexico.⁸ With respect to imports from Brazil, Israel, and Mexico.⁹ With respect to imports from Hungary, Israel, and Mexico.¹⁰ With respect to imports from Brazil, Hungary, and Israel.¹¹ With respect to imports from Hungary.¹² With respect to imports from the People's Republic of China.¹³ With respect to imports from Thailand.¹⁴ With respect to imports from India, Israel,

Malaysia, the Republic of Korea, Thailand, the United Kingdom, and Venezuela.

¹⁵ With respect to imports from France, then-Chairman Newquist recused himself in order to avoid any appearance of a conflict of interest.¹⁶ With respect to imports from the People's Republic of China, the Russian Federation, and imports of pure magnesium from Ukraine.¹⁷ With respect to imports of pure magnesium.¹⁸ With respect to imports of alloy magnesium from Ukraine.¹⁹ With respect to imports of alloy magnesium.²⁰ Commissioner Newquist was unable to participate because of a telecommunications failure.

Table 7

Countervailing duty investigations completed under sec. 303 of the Tariff Act of 1930, fiscal year 1994

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investi- gation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investi- gation)	Not partici- pating	USITC publi- cation No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not partici- pating	USITC publi- cation No.
303-TA-24 <i>Phthalic Anhydride from Venezuela</i>	(a) 10-22-93 (b) 11-15-93 (c) 12-6-93	Watson Rohr Nuzum	Newquist Brunsdale Crawford	(¹)	2709	(¹)	(¹)	(¹)	(¹)	(¹)
303-TA-25 <i>Disposable Lighters from Thailand</i>	(a) 5-9-94 (b) 6-1-94 (c) 6-23-94	Watson Rohr Newquist Crawford Bragg	Nuzum	(¹)	2792	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

Table 8
Antidumping and countervailing duty investigations pending on Sept. 30, 1994

Investigation No. and title	Effective date
731-TA-719 (preliminary) <i>Carbon Steel Pipe Nipples from Mexico</i>	8-31-94
731-TA-720-721 (preliminary) <i>Wheel Inserts from the People's Republic of China and Taiwan</i>	9-15-94
731-TA-374 (final) (suspended) <i>Potassium Chloride from Canada</i>	8-25-87
731-TA-519 (final) (suspended) <i>Gray Portland Cement and Cement Clinker from Venezuela</i>	11-4-91
731-TA-539 (A-C and F) (final) (suspended) <i>Uranium from Kazakhstan, Kyrgyzstan, Russia, and Uzbekistan</i>	10-21-92
731-TA-661-662 (final) (suspended) <i>Color Negative Photographic Paper and Certain Chemical Components from Japan and the Netherlands</i>	8-19-94
731-TA-663 (final) <i>Certain Paper Clips from the People's Republic of China</i>	5-16-94
731-TA-669-670 (final) <i>Certain Cased Pencils from the People's Republic of China and Thailand</i>	6-16-94
731-TA-671-674 (final) <i>Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela</i>	6-16-94
731-TA-675 (final) <i>Saccharin from China</i>	6-23-94
731-TA-677 (final) <i>Coumarin from the People's Republic of China</i>	8-2-94
731-TA-678-682 (final) <i>Stainless Steel Bar from Brazil, India, Italy, Japan, and Spain</i>	8-4-94
731-TA-683 (final) <i>Fresh Garlic from the People's Republic of China</i>	7-11-94
701-TA-360-361 (final) <i>Certain Carbon Steel Butt-Weld Pipe Fittings from India and Israel</i>	6-1-94
303-TA-21 (final) (suspended) <i>Gray Portland Cement and Cement Clinker from Venezuela</i>	3-18-94

Table 9

Investigations completed under sec. 22 of the Agricultural Adjustment Act, fiscal year 1994

Investigation No. and title	Request received	Date investigation instituted	Public hearing	Findings and recommendations	Date report was—		USITC publication No.
					Submitted to President	Released (public version)	
22-54 <i>Wheat, Wheat Flour, and Semolina</i>	11-17-93	1-18-94	4-7-94 (Shelby, MT); 4-8-94 (Bismarck, ND); 4-28-94 (Washington, DC)	(¹)	7-15-94	7-15-94	2794

¹ **Findings:** Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford found that (1) wheat, wheat flour, and semolina were not being imported under such conditions and in such quantities as to render, or tend to render, ineffective the U.S. Department of Agriculture (USDA) wheat program; and that (2) the evidence of the recent impact of increased wheat imports, which was concentrated in one region of the United States and two segments of the wheat market, could support a Presidential finding of either material interference or no material interference.

Commissioners Rohr and Newquist found that wheat, wheat flour, and semolina, classified under Harmonized Tariff Schedule of the United States (HTS) heading 1001, heading 1101, and subheading 1103.11.00, respectively, were being imported into the United States under such conditions and in such quantities as to materially interfere with the price support, payment, and production adjustment programs conducted by the USDA for wheat.

Commissioner Bragg found that wheat, wheat flour, and semolina, classified under HTS heading 1001, heading 1101, and subheading 1103.11.00, respectively, were being imported into the United States under such conditions and in such quantities as to materially interfere with the USDA program for wheat based on material interference with the payment component of the program.

Recommendations: Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford recommended that, should the President find action to be appropriate, he take action as follows to remedy the adverse impacts identified in the record: (1) Non-durum wheat: (A) No change in current duty rates on non-durum wheat for the first 1,000,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a

minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually. (B) Ten percent additional tariff on quantities of non-durum wheat that exceed 1,000,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually for two years beginning in crop year 1994/95. (2) Durum wheat: (A) No change in current duty rates on durum wheat for the first 500,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually. (B) Ten percent additional tariff on quantities of durum wheat that exceed 500,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually for two years beginning in crop year 1994/95. (3) Temporary and subject to conditions: (A) The limited tariff increases suggested on a portion of the imports were to be tied to the continued existence of a number of market conditions currently existing in the United States and Canada, including depreciation of the Canadian dollar relative to the U.S. dollar; Canadian rail subsidies; nontransparent marketing practices of the Canadian Wheat Board; surpluses of Canadian feed wheat; extraordinary demand for feed wheat in the United States; and unusual U.S. durum wheat market conditions in recent

years. (B) Such limitations should terminate two years from their date of imposition, unless extraordinary circumstances otherwise dictate.

Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford declined to recommend any limitations on wheat flour or semolina. They found that, given the negligible levels of imports of wheat flour or semolina, there was insufficient justification for taking any restrictive action on such imports.

Commissioners Rohr and Newquist recommended that the President impose one of the following three alternative forms of relief: (1) An import quota in the aggregate amount of 900,000 metric tons per crop year on imports of wheat, wheat flour, and semolina, to be divided as follows: (A) For wheat, other than durum wheat, and wheat flour, 540,000 metric tons per crop year; (B) For durum wheat and semolina, 360,000 metric tons per crop year. (2) For imports of wheat, other than durum wheat, and wheat flour, a fee (duty) in the amount of 35 percent ad valorem, in lieu of the existing rate of duty, and for imports of durum wheat and semolina, a duty in the amount of 15 percent ad valorem, in lieu of the existing rate of duty. (3) A tariff-rate quota system, as follows: (A) For wheat, other than durum wheat, and wheat flour, a duty of 50 percent ad valorem, in lieu of the existing rate, on imports of such articles that exceed 150,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty; and (B) For durum wheat and semolina, a duty rate of 25 percent ad valorem, in lieu of the existing rate, on imports of such articles that exceed 150,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.

Table 9—Continued

Investigations completed under sec. 22 of the Agricultural Adjustment Act, fiscal year 1994

Commissioner Bragg recommended that the President impose a tariff-rate quota system on wheat, wheat flour, and semolina as follows:

(1) For wheat, other than durum wheat, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 800,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty. (2) For wheat flour, a

duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 60,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty. (3) For durum wheat, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 500,000 metric tons per

year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty. (4) For semolina, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 10,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.

Table 10**Investigations under sec. 22 of the Agricultural Adjustment Act pending on Sept. 30, 1994**

Investigation No. and title	Request received	Date investigation instituted	Public hearing	Findings and recommendations	Date report was—		USITC publication No.
					Submitted to President	Released (public version)	
22-55 <i>Peanut Butter and Peanut Paste</i> (suspended 6-28-94)	11-17-93	1-18-94	(1)	(1)	(1)	(¹)	(¹)

¹ Not applicable.

Table 11

"Market disruption" investigations completed under sec. 406 of the Trade Act of 1974, fiscal year 1994

Investigation No. and title	Petitioner or requester	Petition or request filed	Public hearing	Findings and recommendation	Commissioners' votes		Commission's report	
					Affirmative	Negative	To the President	USITC publication No.
TA-406-13 <i>Honey from China</i>	USTR	10-6-93	12-2-93	(¹)	Newquist Watson Rohr Crawford Nuzum	Brunsdale	1-7-94	2715

¹ Then-Chairman Newquist, Commissioner Rohr, and Commissioner Nuzum found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a tariff-rate quota on such honey for a three-year period, to be administered on a quarterly basis, with imports entered within a quarterly quota of 12.5 million pounds of honey from China to be dutiable at a rate of 25 percent ad valorem, and over-quota imports entered during any calendar quarter to be dutiable at a rate of 50 percent ad valorem, with such duties imposed in lieu of the existing rate of duty. The Commissioners also recommended review after three years, or earlier, depending on the status of the federal honey loan support program.

Then-Vice Chairman Watson found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a tariff-rate quota on such honey for a two-and-one-half-year period, with a rate of 15 percent ad valorem on the first 60 million pounds of honey imported from China annually, and a rate of 25 percent ad valorem on such honey that exceeds 60 million pounds. Such duties should be in addition to current duties on such honey. Then-Vice Chairman Watson also recommended review not later than two years after imposition of relief, with interested parties given the right to petition the ITC for a review of the remedy proposed at any time after one year following any relief granted by the President.

Commissioner Brunsdale, although finding in the negative with respect to market disruption and honey from China, recommended that if the President imposed a remedy, it be a tariff-rate quota for a three-year period on such honey, with no additional duty imposed on the first 60 million pounds of honey from China entered annually, but with an additional duty of 10 percent ad valorem imposed on imports that exceed 60 million pounds.

Commissioner Crawford found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a duty of 10 percent ad valorem, in lieu of the existing rate of duty, on all honey imported from China for a period of three years. Commissioner Crawford also recommended review after three years.

Table 12**Review investigations completed under sec. 751 of the Tariff Act of 1930, fiscal year 1994**

Investigation No. and title	Origin
751-TA-16 <i>Ceiling Fans from the People's Republic of China</i> (terminated 8-31-94)	Instituted by the Commission on its own motion 8-10-94

Table 13**Review investigations under sec. 751 of the Tariff Act of 1930 pending on Sept. 30, 1994**

Investigation No. and title	Origin
751-TA-15 <i>Stainless Steel Plate from Sweden</i> (suspended 8-16-93)	Instituted by the Commission on its own motion 6-30-93

APPENDIX B

REPORTS COMPLETED DURING FISCAL YEAR 1994 AND PENDING ON SEPTEMBER 30, 1994

Section 332 Studies Completed During FY 1994

See also the Highlights section of this report for details on some of the more significant analytical section 332 studies completed during the year.

United States-Canada Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Immediate Elimination of U.S. Tariffs on Certain Articles from Canada (332-348)

On November 3, 1993, the USTR requested that the ITC advise the President as to the probable economic effect on domestic industries producing like or directly competitive articles and on consumers of the immediate elimination of the U.S. tariff under the U.S.-Canada Free-Trade Agreement with respect to certain dutiable articles. The U.S.-Canada Free-Trade Agreement requires the President to obtain

advice from the ITC before proclaiming duty modifications under the agreement. The ITC report containing classified information was delivered to the USTR on February 3, 1994.

President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences (332-346; TA-131-20; and 503(a)-25)

On October 18, 1993, the USTR requested that the ITC provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties under the Generalized System of Preferences (GSP) with respect to certain articles from certain countries. The ITC report was delivered to the USTR on January 19, 1994.

Recurring Industry Surveys under Section 332

Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers, Ninth Report (332-227)

Section 215 of the Caribbean Basin Economic Recovery Act (CBERA) requires the ITC to report annually on the operation of the program. The CBERA, which became effective January 1, 1984, marked its 10th year in 1994, and the ITC's annual report included a 10-year retrospective review of legislative and trade developments resulting from the Caribbean Basin Initiative of 1982. The report, submitted on September 30, 1994, also assessed the actual and probable effects of CBERA on the U.S. economy generally, on U.S. industries producing products like or directly competitive with those imported from beneficiary countries, and on U.S. consumers.

Among its findings, the ITC reported that trade and investment indicators for the past decade suggest that CBERA and related U.S. policies have contributed to economic modernization in the Caribbean, that Caribbean exports have diversified over the decade with significant growth in shipments of manufactured goods, that the Caribbean was the fastest growing source of U.S. imports of textiles and apparel during the 1989-93 period, and that production sharing between the United States and the Caribbean region is growing. In 1993, except for sugar, the benefit to consumers from CBERA tariff reductions was greater than the loss in tariff revenue for all the items analyzed.

Synthetic Organic Chemicals, United States Production and Sales, 1992 (332-135)

The ITC reports annually on U.S. production and sales of synthetic organic chemicals. These chemicals are the raw

material for many consumer and industrial products. The annual investigation, requested by the House Committee on Ways and Means, results in one of the few publicly available sources of comprehensive information on these chemicals and is widely used by industry. The report covers about 6,000 individual chemicals and chemical products and presents statistics in as great detail as possible without revealing the operations of individual producers. The report is prepared from data supplied by about 600 primary manufacturers and includes a list of manufacturers of each item for which production and/or sales were reported. The report presents data aggregated in the format of the Harmonized Tariff Schedule of the United States (HTS) on an 8-digit basis. The ITC published its 76th report in this series containing data from 1992 in February 1994. The ITC also publishes quarterly reports on domestic production of an abbreviated list of syn-

thetic organic chemicals, also prepared from data supplied by primary manufacturers. The ITC published four such reports in FY 1994, in November 1993, February 1994, May 1994, and August 1994.

Steel Semiannual Monitoring Report (332-327)

On June 11, 1992, the House Committee on Ways and Means requested that the ITC report twice a year on steel trade and steel industry issues. The reports in this series, based on surveys of steel producers and processors, examine conditions in the U.S. steel industry, including developments in steel capacity, production, capital expenditures, environmental expenditures, trade, spending on research and development, employment, and financial performance. During FY 1994, the ITC published the fourth and fifth of six semiannual reports in April and September 1994.

Production Sharing: U.S. Imports under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80, 1989-1992 (332-237)

On September 4, 1986, the Commission instituted on its own motion an annual inves-

tigation that assesses by industry sector the products and countries which make use of the production sharing provisions of the HTS. These provisions provide reduced tariff treatment for eligible goods which are processed in foreign locations but contain components which are U.S.-made. HTS subheading 9802.00.60 involves tariff treatment for metal of U.S. origin processed in a foreign location and returned to the United States for further processing; subheading 9802.00.80 involves tariff treatment for imported goods that contain U.S.-made components. Most companies involved in Mexico's border assembly industry use subheading 9802.00.80 to reduce their costs. The ITC published the report containing data for the years 1989-92 in February 1994.

The U.S. Automobile Industry Monthly Report on Selected Economic Indicators (332-207)

In December 1980, the House Committee on Ways and Means requested that the ITC provide it with monthly data on U.S. automobile imports, sales, production, and prices. The resulting ITC

investigation was begun in 1981. The Committee renewed its request four times between 1981 and 1985, with the most recent request in 1985 having no fixed date for termination. The ITC report uses trade data compiled from official statistics of the U.S. Department of Commerce. Sales, production, and certain price data are derived from *Automotive News*, an auto industry publication. The U.S. Department of Labor provides employment and consumer and producer price data, while quarterly financial results for U.S.-owned automakers are from various public sources. During FY 1994, the ITC published 12 monthly reports, dated October 1993 through September 1994.

Nonrubber Footwear Quarterly Statistical Report (332-191)

On August 10, 1984, the Senate Committee on Finance requested that the ITC investigate and publish quarterly reports on nonrubber footwear. The quarterly reports include data on production and/or shipments, imports, exports, apparent consumption, market share, employment, and unemployment. The Committee also requested annual information on plant closings in the

nonrubber footwear industry. During FY 1994, the ITC published quarterly reports in December 1993, March 1994, June 1994, and September 1994.

Rum: Annual Report (Covering 1992 and 1993) on Selected Economic Indicators (332-175)

On December 21, 1983, the Senate Committee on Finance requested that the ITC evaluate annually the effects of the Caribbean Basin Initiative (CBI) on conditions for rum in the U.S. market. The publication reports selected statistics on rum, including U.S. production, exports, imports (total and by countries designated as eligible under the CBI), consumption, and shipments to the United States from Puerto Rico and the U.S. Virgin Islands. The ITC published its 10th report in this series in June 1994.

Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports (332-288)

Section VII of the 1989 Steel Trade Liberalization Program Implementation Act requires the ITC to determine annually the U.S. domestic

market for fuel ethyl alcohol during the 12-month period ending on the preceding September 30. Section VII of the Act concerns local feedstock requirements for fuel ethyl alcohol imported by the United States from Caribbean Basin Initiative (CBI) beneficiary countries. The ITC's domestic market estimate is used to establish the "base quantity" of imports that can be imported with a zero percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBI beneficiary countries. The ITC uses official statistics of the U.S. Department of Energy to make its determinations. For the 12-month period ending September 30, 1993, the ITC determined that the base quantity for 1994 was 80.5 million gallons. The ITC published this determination in December 1993.

Monitoring of U.S. Imports of Tomatoes (332-350) and Monitoring of U.S. Imports of Peppers (332-351)

Section 316 of the NAFTA Implementation Act requires the ITC to monitor U.S. imports of "fresh or

chilled tomatoes" and "fresh or chilled peppers, other than chili peppers" until January 1, 2009. The ITC reports were submitted in June 1994 to the House Committee on Ways and Means; the Senate Committee on Finance; the Senate Committee on Agriculture, Nutrition and Forestry; the House Committee on Agriculture; and the USTR. Each contained statistical information for the respective industry gathered by the ITC in the course of its monitoring.

The data included apparent U.S. consumption, U.S. exports and imports, industry-published data (including U.S. and Mexican production and harvested area, U.S. weekly arrivals and shipping point quantities, prices, and U.S. and Mexican cost of production estimates), and industry questionnaire data.

Implementing the European Community Single Market: Sixth Followup Report (332-267)

On October 13, 1988, the House Committee on Ways and Means and the Senate Committee on Finance requested that the ITC provide information on the European Community's "1992" program in periodic reports. The cur-

rent ITC report, submitted in January 1994, analyzed how implementation of laws associated with the program was proceeding at the national level. The report noted that, although implementation had generally advanced considerably throughout the European Union, national transposition of rules in such areas as government procurement and intellectual property lagged in most of the Union's 12 member states.

The study observed that administrative delays and technical problems were the primary obstacles, along with the effects of lingering economic recession in Europe and opposition to the Maastricht Treaty, which would establish a full economic and political union.

Metallurgical Coke: Baseline Analysis of the U.S. Industry and Imports (332-342)

On May 6, 1993, the House Committee on Ways and Means requested that the ITC investigate the U.S. metallurgical coke industry. The Committee requested an analysis of the effect on the U.S. industry of increasing imports from major world producers,

including Japan, China, and the former Eastern bloc nations. The ITC report, submitted in March 1994, evaluated the impact of significant market and trade issues related to the consuming industries on the availability of coke in the United States, Japan, and the other nations. The report also studied such coke market practices as pricing, quality, and byproduct valuation as well as the costs of transportation and environmental compliance.

The ITC found that the U.S. coke industry faces several major challenges, including decreased consumption, aging facilities, increasingly stringent environmental regulations, increased imports, and generally declining prices. The report also found that foreign competitors face many of the same challenges.

Section 332 Studies in Progress at the End of FY 1994

The Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (332-344)

On June 9, 1993, the USTR requested that the ITC

investigate the economic effects of antidumping and countervailing duty orders and suspension agreements, and the economic effects of the dumping and subsidy practices that such orders and suspension agreements address. The investigation will include a comprehensive empirical analysis of the economic condition of the U.S. domestic industries impacted (including upstream and downstream industries) by unfairly traded imports both before and after relief was granted. The analysis will include relevant industry information on employment, wages, production, prices, investment, trade and other factors internal and external to the industry, including the relevant unfair foreign trade practices affecting the general health and competitiveness of the domestic industries. As the USTR requested, the ITC will employ a standard comparative static model to estimate the economic effects of the unfair trade practices and remedies on selected U.S. industries. Also as requested, the ITC will seek to complement the empirical analysis with quantitative and other estimates of the labor and other domestic adjustment costs involved and will seek to provide an assessment of the economy-wide net economic

welfare effects of unfair trade practices and the remedies provided. Scheduled completion: June 30, 1995.

Effects of the Arab League Boycott of Israel on U.S. Businesses (332-349)

On November 3, 1993, the USTR requested that the ITC investigate the economic cost to U.S. businesses arising from the Arab League boycott of Israel. The costs, defined in the USTR request as reduced U.S. exports and reduced U.S. profits, include (a) lost sales and business opportunities in Arab League countries and/or Israel arising from being blacklisted or from seeking to avoid such blacklisting; (b) increased costs of sourcing and transportation resulting from the boycott as well as compliance costs, including legal costs and direct and indirect costs associated with compliance with anti-boycott laws; and (c) distorted or foregone investments in either the Arab or Israeli markets resulting from the boycott as well as investment diverted from or denied to blacklisted U.S. businesses due to association with Israel. The ITC will assess the scope of the boycott, the degree of enforcement on a country-by-country basis, and the degree of compliance with

the boycott by U.S. businesses. The study will be the first to estimate the economic effects of the boycott on the United States, to the ITC's knowledge; most previous analyses have focused on the effect of the boycott on Israel and the boycotting nations. Scheduled completion: November 7, 1994.

Global Competitiveness of U.S. Environmental Technology Industries: Municipal and Industrial Water and Wastewater (332-347)

On October 14, 1993, the Senate Committee on Finance requested that the ITC undertake a two-part investigation on the global competitiveness of U.S. environmental technology industries. The first of two competitiveness studies will deal with goods and services for municipal and industrial water supply and for municipal and industrial wastewater treatment and disposal. The second study will deal with air pollution prevention and abatement equipment and services. The Committee requested that the ITC examine factors relevant to the global competitiveness of the environmental technology industry including government policies such as export promotion and market development, environmental regula-

tion, technology transfer, technical development assistance, economic development or other financial assistance, and intellectual property protection. The Committee also requested that the ITC review the export promotion/technical assistance policies of the United States' top competitors in the environmental technology field, including Japan and Germany. Scheduled completion: February 1995 for the study concerning municipal and industrial water and wastewater; no later than February 1996 for the study concerning air pollution prevention and abatement equipment and services.

U.S. Schedule of Services Commitments (332-354)

On April 18, 1994, the USTR requested that the ITC initiate an ongoing program to compile and maintain the United States Schedule of Services Commitments, the establishment of such a schedule being required by the General Agreement on Trade in Services (GATS), negotiated as part of the GATT Uruguay Round of multilateral trade negotiations. The GATS provides for the establishment of national schedules of commitments by countries setting forth their national commitments pertaining to specific service sectors. These sched-

ules bind countries to maintain a minimum level of market access and bind them to a national treatment obligation. The GATS also provides for a broad most-favored-nation (MFN) obligation, unless nations provide a list of exceptions for MFN treatment. The schedules and MFN exemptions will provide the basis for efforts to further liberalize international trade in services. The USTR requested that the ITC compile an initial U.S. Schedule reflecting the final services commitments made in the Uruguay Round and work with the USTR to update the U.S. Schedule, as necessary, to reflect all future commitments resulting from the post-Uruguay Round negotiations on financial, telecommunications, and maritime services, and future bilateral and multilateral services negotiations undertaken by the USTR. Scheduled completion: January 1, 1995.

President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences (332-356)

On August 16, 1994, the USTR requested that the ITC investigate whether any industry in the United States is likely to be adversely affected

by a waiver of certain competitive needs limits with respect to certain articles from Thailand. In 1989, Thailand lost some benefits under the Generalized System of Preferences (GSP) after the President determined that Thailand does not provide adequate and effective intellectual property rights (IPR) protection. On August 12, 1994, the Trade Policy Staff Committee initiated a review process to consider whether any of the benefits lost by Thailand in 1989 should be restored because of Thai progress on IPR protection. In order to restore certain of the lost GSP benefits to Thailand, the President would have to grant Thailand a waiver of the so-called competitive needs limits under the Trade Act of 1974. The 1974 Act requires the President to receive economic advice from the ITC prior to granting a waiver of competitive needs limits. Scheduled completion: November 23, 1994.

Other Publications Issued During FY 1994

Trade Between the United States and China, the Successor States to the Former Soviet Union, and Other Title IV Countries

Title IV, section 410 of the Trade Act of 1974, requires

the ITC to monitor imports into the United States from nonmarket economy countries and report at least once each calendar quarter on the effects of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. The ITC issued four such reports during FY 1994, in October 1993, January 1994, April 1994, and July 1994.

Industry and Trade Summary reports

The ITC periodically issues a series of detailed reports on thousands of products imported into and exported from the United States. These reports include information on product uses, U.S. and foreign producers, and customs treatment of the products being studied; they also analyze the basic factors bearing on the competitiveness of the U.S. industry in domestic and foreign markets. Thirty such summaries were published in FY 1994.

APPENDIX C

STATUTES INVOLVING

THE U.S. INTERNATIONAL TRADE COMMISSION

Key Statutes

Section 201, Trade Act of 1974 (Escape Clause Investigations), Import Relief for Domestic Industries

Under section 201, domestic industries seriously injured or threatened with serious injury by increased imports may petition the ITC for import relief. The ITC determines whether an article is being imported in such increased quantities that it is a substantial cause of serious injury, or threat thereof, to the U.S. industry producing an article like or directly competitive with the imported article. If the Commission makes an affirmative determination, it recommends to the President relief that would remedy the injury and facilitate industry adjustment to import competition. The President makes the final decision whether to provide relief and the amount of relief.

Section 201 does not require a finding of an unfair trade practice, as do the anti-dumping and countervailing duty laws and section 337 of the Tariff Act of 1930. However, the injury test under section 201 is considered to be more difficult than those of the unfair trade statutes. Section 201 requires that the injury or threatened injury be "serious" and that the increased imports must be a "substantial cause" (not less than any other cause) of the serious injury or threat of serious injury.

Criteria for import relief under section 201 are based on those in article XIX of the GATT. Article XIX of the GATT is referred to as the escape clause because it permits a country to "escape" temporarily from its obligations under the GATT with respect to a particular product when increased imports of that product are causing or are threatening to cause serious

injury to domestic producers. Section 201 provides the legal framework under U.S. law for the President to invoke U.S. rights under article XIX.

When: The ITC conducts an investigation under section 201 upon receipt of a petition from a trade association, firm, certified or recognized union, or group of workers which is representative of a domestic industry; upon receipt of a request from the President or the USTR; upon receipt of a resolution of the House Committee on Ways and Means or Senate Committee on Finance; or upon its own motion.

Duration: The ITC generally must make its injury finding within 120 days of receipt of the petition, request, resolution, or institution on its own motion and must transmit its report to the President, together with any relief recommendations, within 60 days thereafter.

Finding: If the ITC finding is affirmative, it must recommend a remedy to the President, who determines what relief, if any, will be imposed. Such relief may be in the form of a tariff increase, quantitative restrictions, or orderly marketing agreements.

Followup: If import relief is provided, the ITC periodically reports on developments within the industry during the period of relief. Upon request, the ITC advises the President of the probable economic effect on the industry of the reduction, modification, or termination of the relief in effect. At the conclusion of any relief period, the ITC is required to report to the President and Congress on the effectiveness of the relief action in facilitating the positive adjustment of the domestic industry to import competition. (For further information, see section 201 of the Trade Act of 1974, 19 U.S.C. 2251.)

Section 337, Tariff Act of 1930, Investigations of Unfair Practices in Import Trade

Under section 337, the ITC determines whether, as defined by U.S. statutory and common law, there is unfair competition in the importation of products into, or their sale in, the United States. Section 337 declares unlawful unfair methods of competition and unfair acts in the import and sale of products in the United States, the threat or effect of which is to destroy or substantially injure a domestic industry, prevent the establishment of such an industry, or restrain or monopolize trade and commerce in the United States. Section 337 also declares as unlawful *per se* infringement of a valid and enforceable U.S. patent, copyright, registered trademark, or mask work; no resulting injury need be found.

Section 337 investigations require formal evidentiary

hearings in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.). The hearings are held before an administrative law judge. Parties to these investigations include complainants, respondents, and the ITC attorney representing the public interest. Following a hearing, the ALJ issues an initial determination on all issues related to violations of section 337. The Commission may review and may modify the ALJ decision. If the Commission does not review the initial determination, it becomes the Commission's decision. In addition to the long-term relief requested, complainants also may request temporary relief pending final resolution of the case.

When: After receipt of a complaint under oath from an interested party or upon its own motion, the ITC conducts an investigation to determine whether unfair methods of competition or unfair acts are occurring in the importation of articles into, or their sale in, the United States.

Duration: The ITC investigation must be completed within one year or, in a case which has been desig-

nated more complicated, 18 months after the notice of investigation is published in the *Federal Register*.

Finding: In general, if the ITC finds that the importation of such articles substantially injures or threatens to substantially injure an industry, prevents the establishment of such an industry, or restrains or monopolizes trade and commerce in the United States, it may issue orders excluding the products from entry, directing the violating parties to cease and desist from certain actions, or both. However, if the imports infringe a U.S. patent, copyright, registered trademark, or mask work, the ITC may issue an exclusion and/or cease and desist order without finding injury. ITC orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President of the United States within that 60-day period. Appeals of ITC determinations may be taken to the U.S. Court of Appeals for the Federal Circuit. Violators of ITC section 337 orders are liable for civil penalties of up to \$100,000 a day or twice the value of the imported articles.

(For further information, see section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.)

Countervailing Duty and Antidumping Duty Laws Under the Tariff Act of 1930

Under the Tariff Act of 1930, U.S. industries may petition the government for relief from imports that are sold in the United States at less than fair value ("dumped") or which benefit from subsidies provided through foreign government programs. Under the law, the U.S. Department of Commerce determines whether the dumping or subsidizing exists and, if so, the margin of dumping or amount of the subsidy; the ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry.

Countervailing duty and antidumping investigations are conducted under title VII of the law. The ITC conducts preliminary and final injury investigations. (For ease of reference, preliminary and final ITC countervailing duty investigations are referred to as "701" investigations, and

preliminary and final ITC antidumping investigations are referred to as "731" investigations, after the respective initial sections in the Tariff Act of 1930 for the countervailing duty and antidumping laws.)

Preliminary Countervailing Duty Investigations (Subsidized Imports) and Preliminary Antidumping Investigations (Imports Sold at Less Than Fair Value)

When: After the simultaneous filing of a petition with the ITC and the U.S. Department of Commerce, the ITC conducts a preliminary injury investigation.

Duration: The investigation must be completed within 45 days of the receipt of the petition.

Finding: The ITC determines, on the basis of the best information available to it at the time of the determination, (1) whether there is a "reasonable indication" that an industry is materially injured or is threatened with material injury, or (2) whether the establishment of an industry is materially retarded, by reason of imports under investigation

by the Department of Commerce that are allegedly subsidized or sold at less than fair value in the United States.

If the ITC determination is affirmative, Commerce continues its investigation. If the ITC determination is negative, the investigation is terminated.

Final Countervailing Duty Investigations (Subsidized Imports) and Final Antidumping Investigations (Imports Sold at Less Than Fair Value)

When: After a preliminary affirmative determination by the Secretary of Commerce (or after a final affirmative determination if the preliminary determination was negative) that imported products are subsidized or are being, or are likely to be, sold at less than fair value, the ITC conducts a final injury investigation.

Duration: The ITC final injury investigation usually must be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or within 45 days after an affirmative final determination by the Secretary of Commerce,

whichever is later. However, in cases in which the Commerce preliminary determination is negative but the Commerce final determination is affirmative, then the ITC final injury determination must be made within 75 days.

Finding: The ITC determines (1) whether an industry in the United States is materially injured or threatened with material injury, or (2) whether the establishment of an industry in the United States is materially retarded, by reason of imports that the Department of Commerce has determined to be subsidized or sold in the United States at less than fair value.

If the ITC determination is affirmative, the Secretary of Commerce issues a countervailing duty order (in a subsidy investigation) or an antidumping order (in a dumping investigation), which is enforced by the U.S. Customs Service. ITC determinations may be appealed to the U.S. Court of International Trade in New York City, or, in cases involving Canada and/or Mexico, to a binational panel under the auspices of the North American Free Trade Agreement. (For further

information on countervailing duty investigations, see section 701 et seq. of the Tariff Act of 1930, 19 U.S.C. 1671 et seq. For further information on antidumping investigations, see section 731 et seq. of the Tariff Act of 1930, 19 U.S.C. 1673 et seq.)

Section 303, Tariff Act of 1930 (Countervailing Duty Investigations), Subsidized Imports

Certain countervailing duty investigations involve articles that enter the United States from countries that are not covered by section 701 of the Tariff Act of 1930 because the countries are not signatories of the GATT Agreement on Subsidies and Countervailing Measures. If those articles enter the United States free of duty, and under certain other circumstances, then under section 303 of the Tariff Act of 1930, the ITC determines, with respect to any article that the Secretary of Commerce has determined is subsidized, whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry is materially retarded, by

reason of the article's import. (For further information, see section 303, Tariff Act of 1930, 19 U.S.C. 1303.)

Section 332, Tariff Act of 1930, General Factfinding Investigations

Under section 332, the ITC investigates a wide variety of trade matters.

When: Upon request from the President, the Senate Committee on Finance, the House Committee on Ways and Means, or the USTR, or upon its own motion, the ITC initiates a factfinding investigation on any matter involving tariffs or international trade, including conditions of competition between U.S. and foreign industries.

Duration: Unless otherwise directed, the ITC establishes an administrative deadline. Deadlines for investigations requested by the President, the USTR, or Congress are usually set by mutual agreement.

Finding: Unless the President or Congress directs otherwise, ITC final reports are made available to all interested parties, the general

public, the President and executive departments, and Congress. Reports on matters relating to pending trade negotiations are often classified documents not subject to public view. (For further information, see section 332 of the Tariff Act of 1930, 19 U.S.C. 1332.)

Section 22, Agricultural Adjustment Act, Import Interference With Agricultural Programs

Under section 22, the ITC conducts investigations at the direction of the President to determine whether products are being (or are practically certain to be) imported into the United States under such conditions and in such quantities that they render or tend to render ineffective or materially interfere with any program of the Department of Agriculture.

The ITC makes findings and recommendations to the President. The President may impose a fee or quota on the imports in question. (For further information, see section 22 of the Agricultural Adjustment Act, 7 U.S.C. 624.)

Section 406, Trade Act of 1974, Trade With Communist Countries

Under section 406 of the Trade Act of 1974, the Commission determines whether imports from a Communist country are causing market disruption in the United States. Section 406 investigations are similar procedurally to Commission investigations under section 201 of the Trade Act of 1974. If the Commission finds market disruption, it then makes a remedy recommendation to the President. The President makes the final decision with respect to remedy. (For further information, see section 406, Trade Act of 1974, 19 U.S.C. 2436.)

Section 603, Trade Act of 1974 (Preliminary Investigations), Expedition of Preliminary Investigations

Section 603 of the Trade Act of 1974 authorizes the ITC to conduct preliminary investigations in order to expedite the performance of its functions under the Act. In recent years, the ITC has used this provision on several occasions in conjunction with section 337 of the Tariff Act of 1930 (which was amended by

the Trade Act of 1974) to investigate allegations that may, with the gathering of additional information, provide a basis for an investigation under section 337. (For further information, see section 603, Trade Act of 1974, 19 U.S.C. 2482.)

Other Areas of Involvement Required by Statute

Caribbean Basin Economic Recovery Act

The ITC submits annual reports to Congress and the President on the economic impact on U.S. industries and consumers of the Caribbean Basin Economic Recovery Program. (For further information, see 19 U.S.C. 2704.)

Uniform Statistical Data

The ITC, in cooperation with the Secretary of the Treasury and the Secretary of Commerce, establishes for statistical purposes an enumeration of articles imported into the United States and exported from the United States and seeks to establish comparability of such statistics with statis-

tical programs for domestic production. (For further information, see section 484(e), Tariff Act of 1930, 19 U.S.C. 1484(e).)

Harmonized Tariff Schedule of the United States

The ITC issues a publication containing the HTS and related material and considers questions concerning the arrangement of the HTS and the classification of articles. (For further information, see section 1207 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3007 and sections 332(A) and 484(e) of the Tariff Act of 1930, 19 U.S.C. 1484(e).)

Harmonized System Convention

The ITC has responsibility, along with the Department of the Treasury and the Department of Commerce, to represent the U.S. Government concerning the activities of the Customs Cooperation Council relating to the Harmonized System Convention and to formulate U.S. Government positions on technical and procedural issues relating to

the Convention. (For further information, see section 1210 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3010.)

In addition, the ITC is responsible for reviewing the HTS and for recommending to the President such modifications as it considers necessary or appropriate to conform the HTS with amendments to the Harmonized System Convention, to ensure that the HTS is kept up to date, and to alleviate unnecessary administrative burdens. (For further information, see section 1205 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3005.)

Annual Report on the U.S. Trade Agreements Program

The ITC annually prepares for Congress and the interested public a factual report on the operation of the trade agreements program. The report contains information on U.S. participation in multilateral and bilateral trade negotiations and agreements, as well as related material on foreign economic and trade

developments and the administration of U.S. trade laws. (For further information, see section 163(b), Trade Act of 1974, 19 U.S.C. 2213.)

Advice Concerning Trade Negotiations

The ITC advises the President as to the probable economic effect on domestic industries and consumers of modification of duties and other barriers to trade that may be considered for inclusion in any proposed trade agreement with foreign countries. (For further information, see section 131, Trade Act of 1974, 19 U.S.C. 2151.)

Generalized System of Preferences

With respect to articles that may be considered for duty-free treatment when imported from designated developing countries, the ITC advises the President as to the probable economic effect on the domestic industry and on consumers of the removal of duty. (For further information, see sections 131 and 503, Trade Act of 1974, 19 U.S.C. 2151, 2163.)

East-West Trade Monitoring System

The ITC monitors imports into the United States from nonmarket economy countries and prepares a report at least once each calendar quarter on the effect of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. (For further information, see section 410, Trade Act of 1974, 19 U.S.C. 2440.)

Andean Trade Preference Act

The ITC submits annual reports to Congress and the President on the impact on U.S. industries and consumers of the Andean Trade Preference Act and Andean drug crop eradication and crop substitution. (For further information, see 19 U.S.C. 3204.)

APPENDIX D

REPORTS SUBMITTED TO CONGRESS ON PROPOSED LEGISLATION, FISCAL YEAR 1993¹

Reports Submitted to the House on Proposed Legislation

1. **H.R. 1098**
Mr. Hall
To extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.
October 27, 1993.
(See also S. 1043.)
2. **H.R. 1273**
Mr. Andrews
To extend until January 1, 1995, the existing suspension of duty on furniture of unspun fibrous vegetable materials.
July 20, 1994.
3. **H.R. 1370**
Ms. Slaughter
To amend the Harmonized Tariff Schedule of the United States to change the rate of duty for

certain bicycles.
October 29, 1993.

4. **H.R. 1748**
Mr. Sensenbrenner
Relating to the tariff treatment of certain plastic flat goods.
March 14, 1994.
(See also S. 1395.)
5. **H.R. 2008**
Mr. Ballenger
To suspend until January 1, 1995, the duty on chloranil.
December 3, 1993.
(See also S. 1389.)
6. **H.R. 2009**
Mr. Ballenger
To suspend until January 1, 1997, the duty on phospholan mixed with ethylene glycol.
December 3, 1993.
(See also S. 1393.)
7. **H.R. 2011**
Mr. Ballenger
To suspend until January 1, 1995, the duty on 2,4-Dinitro anilin.
December 3, 1993.

8. **H.R. 2045**
Mr. Wheat
To suspend until January 1, 1997, the duty on O,O-dimethyl-s-((4-oxo-1,2,3-benzotriazin-3(4h-yl)methyl] phosphorodithioate.
October 29, 1993.
(See also S. 958.)
9. **H.R. 2104**
Mr. Lewis
To provide duty-free entry privileges to participants in, and other individuals associated with, the XXVI Summer Olympiad in Atlanta, Georgia, and for other purposes.
October 25, 1993.
10. **H.R. 2122**
Mr. Hoekstra
To extend until January 1, 1995, the existing suspension of duty on bendiocarb.
December 3, 1993.
(See also S. 510.)
11. **H.R. 2163**
Mr. Grandy
To reduce the column 1-general rate of duty on piperonyl butoxide (PBO).
October 27, 1993.
(See also S. 2168.)

12. **H.R. 2165**
Mr. Grandy
To suspend until January 1, 1997, the duty on Tefluthrin.
October 22, 1993.
(See also S. 594 and S. 1316.)
13. **H.R. 2166**
Mr. Grandy
To extend until January 1, 1995, the existing suspension of duty on fluazifop-p-butyl.
October 29, 1993.
(See also S. 593.)
14. **H.R. 2168**
Mr. Grandy
To reduce the column 1-general rate of duty on piperonyl butoxide (PBO).
October 27, 1993.
(See also S. 2163.)
15. **H.R. 2185**
Mr. Ravenel
To suspend until January 1, 1996, the duty on Resolin Red F3BS Components I and II.
October 27, 1993.

16. **H.R. 2186**
Mr. Ravenel
To suspend until January 1, 1996, the duty on dimethyl succinyl succinate.
October 29, 1993.
17. **H.R. 2251**
Mr. Grandy
To extend until January 1, 1997, the existing suspension of duty on fluazifop-p-butyl.
October 29, 1993.
(See also S. 593 and H.R. 2166.)
18. **H.R. 2252**
Mr. Grandy
To extend until January 1, 1997, the existing suspension of duty on mercuric oxide.
November 19, 1993.
(See also S. 397.)
19. **H.R. 2279**
Mr. Porter
To suspend temporarily the duty on Tacrolimus in bulk or measured dose form subject to approval by the Food and Drug Administration.
October 29, 1993.
(See also S. 1153.)

¹ Date shown for each bill is that on which the bill report was submitted to Congress.

20. **H.R. 2281**
Mr. Reed
To extend until January 1, 1995, the previously existing suspension of duty on acet quinone base. October 29, 1993.
(See also S. 1246.)
21. **H.R. 2301**
Mr. Castle
To suspend until January 1, 1997, the duty on PCMX. October 29, 1993.
(See also S. 511.)
22. **H.R. 2303**
Mr. Castle
Relating to the tariff treatment of gum rosin and wood rosin. October 27, 1993.
23. **H.R. 2304**
Mr. Castle
To extend until January 1, 1996, the existing suspension of duty on Quizalofop-ethyl. December 3, 1993.
24. **H.R. 2384**
Mr. Payne
To extend until January 1, 1997, the previously existing suspension of duty on certain chemicals. October 29, 1993.
25. **H.R. 2385**
Mr. Payne
To suspend until January 1, 1995, the duty on certain chemicals. October 27, 1993.
26. **H.R. 2452**
Mr. Kleczka
Relating to the tariff treatment of certain agglomerated cork products. December 8, 1993.
(See also S. 838.)
27. **H.R. 2465**
Mr. Manton
To extend until January 1, 1996, the previously existing temporary duty suspension on certain knitting machines and parts, and for other purposes. March 14, 1994.
28. **H.R. 2485**
Mr. Ramstad
To suspend temporarily the duty on Bisphenol AF. February 18, 1994.
(See also S. 813.)
29. **H.R. 2486**
Mr. Ramstad
To extend the temporarily suspension of duty on octadecyl isocyanate. December 8, 1993.
(See also S. 754.)
30. **H.R. 2487**
Mr. Ramstad
To suspend until January 1, 1995, the duty on certain ceramic ferrules and sleeves. December 8, 1993.
(See also S. 369.)
31. **H.R. 2505**
Mr. Machtley
To extend until January 1, 1998, the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof. December 8, 1993.
(See also S. 1237.)
32. **H.R. 2506**
Mr. Quillen
To suspend temporarily the duty on photographic gelatin. January 12, 1994.
33. **H.R. 2507**
Mr. Quillen
To continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. January 12, 1994.
34. **H.R. 2508**
Mr. Quillen
To suspend temporarily the duty on benzoxazol. January 26, 1994.
35. **H.R. 2509**
Mr. Quillen
To suspend until January 1, 1995, the duty on ortho aminophenol. February 18, 1994.
36. **H.R. 2510**
Mr. Ramstad
To suspend until January 1, 1995, the duty on certain machinery used to recycle mercury. February 18, 1994.
(See also S. 1308.)
37. **H.R. 2533**
Mr. Holden
To suspend until January 1, 1996, the duty on certain chemicals. December 3, 1993.
(See also S. 1287.)
38. **H.R. 2563**
Mr. Callahan
To suspend until January 1, 1995, the duty on 2-(2H-benzotriazol-2-yl)-6-dodecyl-4-methylphenol, branched and linear. January 12, 1994.
39. **H.R. 2637**
Mr. Valentine
To revive and extend until January 1, 1999, a suspension of duty on Cefixime. February 18, 1994.
40. **H.R. 2690**
Mr. Fazio
Relating to the tariff treatment of Benthicarb. March 15, 1994.
41. **H.R. 2700**
Mr. Tauzin
To extend until January 1, 1998, certain previously existing temporary duty suspensions. March 14, 1994.
42. **H.R. 2701**
Mr. Tauzin
To extend the previously existing temporary reduction of duty on caffeine. December 8, 1993.
(See also S. 700.)
43. **H.R. 2754**
Mr. Gingrich
To extend until January 1, 1998, the previously existing suspension of duty on lactulose. February 18, 1994.
44. **H.R. 2755**
Mr. Gingrich
To suspend until January 1, 1998, the duty on fluvoxamine. February 18, 1994.
45. **H.R. 2798**
Mr. Shays
To revive the suspension of duty on 3,5,6-trichlorosalicylic acid. February 18, 1994.
46. **H.R. 2799**
Mr. Shays
To suspend temporarily the duty on anthraquinone disulfonic acid sodium salt. January 12, 1994.
47. **H.R. 2801**
Mr. Shays
To suspend temporarily the duty on acid violet 19. January 12, 1994.

48. **H.R. 2821**
Mr. Gilman
To suspend until January 1, 1997, the duty on Ethambutol hydrochloride.
February 18, 1994.
49. **H.R. 2822**
Mr. Gilman
To suspend until January 1, 1997, the duty on Tazobactam.
January 26, 1994.
50. **H.R. 2823**
Mr. Gilman
To suspend until January 1, 1997, the duty on leucovorin calcium powder.
January 26, 1994.
51. **H.R. 2844**
Mr. Santorum
To renew until January 1, 1996, the previous suspension of duty on certain chemicals, and for other purposes.
February 18, 1994.
52. **H.R. 2845**
Mr. Santorum
To suspend until January 1, 1996, the duty on certain chemicals.
February 18, 1994.
53. **H.R. 2855**
Mr. Andrews
To suspend until January 1, 1995, the duty on anthraquinone.
December 8, 1993.
(See also S. 1000 and H.R. 2383.)
54. **H.R. 2865**
Mr. Greenwood
To extend until January 1, 1998, the existing suspensions of duty on m-Xylenediamine ("MXDA") and 1,3-Bis(aminomethyl)cyclohexane ("1,3-BAC").
January 12, 1994.
55. **H.R. 2869**
Mrs. Johnson
To extend until December 31, 1998, the temporary suspension of duties on 2,6-Dichlorobenzonitrile, relating to mixtures and inerts.
December 8, 1993.
(See also S. 804 and H.R. 2086.)
56. **H.R. 2885**
Mr. Gibbons
To amend the Caribbean Basin Economic Recovery Act to clarify certain rules of origin.
November 19, 1993.
57. **H.R. 2897**
Mr. Reynolds
To suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.
October 25, 1993.
58. **H.R. 2907**
Mr. Whitten
To revive and extend through December 31, 1996, a temporary reduction of duty on certain disposable surgical gowns and drapes.
March 14, 1994.
59. **H.R. 2920**
Mrs. Clayton
To suspend until January 1, 1996, the duty on certain textile spinning machines.
December 8, 1993.
(See also S. 1289.)
60. **H.R. 2948**
Mrs. Johnson
To suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate.
March 14, 1994.
61. **H.R. 2965**
Mr. Levy
To revive and extend until January 1, 1997, the suspension of duty on castor oil and its fractions.
January 12, 1994.
62. **H.R. 3045**
Mr. Solomon
To extend through December 31, 1995, the existing temporary suspension of the duty on diphenyldichlorosilane and phenyltrichlorosilane.
March 15, 1994.
63. **H.R. 3047**
Mr. Andrews
Relating to the tariff treatment of theatrical, ballet, and operatic scenery, properties, and sets.
February 18, 1994.
64. **H.R. 3052**
Mr. Santorum
To amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of certain nickel catalysts.
February 18, 1994.
65. **H.R. 3053**
Mr. Valentine
To suspend until January 1, 1997, the duty on keto ester.
January 26, 1994.
(See also S. 1707.)
66. **H.R. 3054**
Mr. Valentine
To revive and extend until January 1, 1996, the suspension of duty on norfloxacin.
February 18, 1994.
(See also S. 1481.)
67. **H.R. 3055**
Mr. Valentine
To revive and extend until January 1, 1996, the suspension of duty on Tfa Lys Pro in free base and tosyl salt forms.
January 26, 1994.
(See also S. 1705.)
68. **H.R. 3104**
Mr. McInnis
To suspend until January 1, 1996, the duty on continuous oxidized polyacrylonitrile fiber tow.
March 14, 1994.
69. **H.R. 3148**
Mr. Emerson
To extend the duty reduction on certain unwrought lead for a period of two years.
April 20, 1994.
(See also S. 960.)
70. **H.R. 3151**
Mr. Hoekstra
To revive and extend until January 1, 1997, the suspension of duty on bendiocarb.
April 21, 1994.
71. **H.R. 3152**
Mr. Hoekstra
To suspend, until January 1, 1997, the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)-oxy)phenyl)methanimidamide monohydrochloride.
April 20, 1994.
(See also S. 509.)

- 72. H.R. 3174**
Mrs. Margolies-Mezvinsky
To suspend until January 1, 1997, the duty on finasteride and finasteride tablets.
April 12, 1994.
(See also S. 1753.)
- 73. H.R. 3175**
Mrs. Margolies-Mezvinsky
To extend retroactively until January 1, 1996, the prior suspension of duty on L-alanyl-L-proline, also known as Ala Pro.
April 12, 1994.
- 74. H.R. 3176**
Mrs. Margolies-Mezvinsky
To extend retroactively until January 1, 1996, the prior suspension of duty on diflunisal.
April 21, 1994.
(See also S. 1754.)
- 75. H.R. 3177**
Mrs. Margolies-Mezvinsky
To suspend until January 1, 1997, the duty on levodopa.
February 18, 1994.
(See also S. 1482.)
- 76. H.R. 3178**
Mrs. Margolies-Mezvinsky
To extend retroactively until January 1, 1996, the prior suspension of duty on amiloride hydrochloride.
June 21, 1994.
- 77. H.R. 3198**
Mr. Kanjorski
To suspend until January 1, 1997, the duty on [3R-alpha(R*),4-beta]]-4-(acetyloxy)-3-[1-[(1,1-dimethylethyl) dimethylsilyl] oxy]ethyl]-2-azetidinone, also known as acetoxo azetidinone.
April 12, 1994.
- 78. H.R. 3199**
Mr. Kanjorski
To suspend until January 1, 1997, the duty on p-nitrobenzyl alcohol.
April 21, 1994.
- 79. H.R. 3200**
Mr. Kanjorski
To renew until January 1, 1996, the previous suspension of duty on 2,2-dimethylcyclopropylcarboxamide, also known as D-carboxamide.
April 12, 1994.
- 80. H.R. 3202**
Mr. Moakley
To suspend temporarily the duty on film of polymers of propylene.
April 20, 1994.
- 81. H.R. 3243**
Mr. Price
To suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms).
March 14, 1994.
(See also S. 1294.)
- 82. H.R. 3279**
Mr. Valentine
To suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms).
March 14, 1994.
(See also S. 1292.)
- 83. H.R. 3280**
Mr. Valentine
To suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms).
March 14, 1994.
(See also S. 1290.)
- 84. H.R. 3358**
Mr. Hobson
To suspend until January 1, 1999, the duty on straining cloth of nonwoven, needletacked web composed of fibers made from polypropylene electret charged, fibrillated film, with or without scrim, such scrim being composed of spun bond fibers of poly-propylene.
April 29, 1994.
- 85. H.R. 3387**
Mr. Meehan
To suspend temporarily the duty on Neurolite (complete dosage kits).
April 12, 1994.
- 86. H.R. 3388**
Mr. Meehan
To suspend temporarily the duty on Cardiolite (complete dosage kits).
April 12, 1994.
- 87. H.R. 3428**
Mr. Greenwood
To suspend until January 1, 1997, the duty on certain chemicals.
April 29, 1994.
(See also S. 1752.)
- 88. H.R. 3448**
Mr. Dixon
Relating to the tariff treatment of hand crafted stone figurines.
April 20, 1994.
- 89. H.R. 3517**
Mr. Lancaster
To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms).
March 14, 1994.
(See also S. 1293.)
- 90. H.R. 3518**
Mr. Lancaster
To suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms).
March 14, 1994.
(See also S. 1291.)
- 91. H.R. 3522**
Mr. Coble
To suspend until January 1, 1996, the duty on certain machinery.
April 20, 1994.
- 92. H.R. 3541**
Mr. Neal
To provide for the duty-free entry of methanol produced aboard United States vessels on the high seas or in foreign waters.
April 29, 1994.
- 93. H.R. 3576**
Mr. Tauzin
To clarify the tariff classification of certain organo-phosphorous compounds and preparations thereof.
April 29, 1994.
- 94. H.R. 3598**
Ms. Schenk
To amend the south Pacific Tuna Act of 1988 to provide for duty-free treatment of canned tuna imported into the United States that was caught by certain vessels and processed in certain facilities.
May 12, 1994.
- 95. H.R. 3607**
Mr. Slattery
To revive and extend until December 31, 1996, the suspension of duty on certain chemicals, and for other purposes.
August 9, 1994.

96. H.R. 3608

Mr. Slattery

To suspend temporarily the duty on certain chemicals.

June 21, 1994.

97. H.R. 3638

Ms. Eshoo

To suspend temporarily the duty on mycophenolate mofetil.

June 21, 1994.

98. H.R. 3644

Mr. Grams

To correct the tariff treatment of certain articles covered by the Nairobi Protocol.

April 21, 1994.

99. H.R. 3848

Mr. Coble

To suspend until January 1, 1996, the duty on certain machinery.

June 3, 1994.

100. H.R. 3855

Mr. Leach

To suspend temporarily the duty on Halo-sulfuron-Methyl.

July 21, 1994.

101. H.R. 3856

Mrs. Meyers

To suspend until January 1, 1997 the duty on 2-(4-chloro-2-methylphenoxy) propionic acid.

June 21, 1994.
(See also S. 1850.)

102. H.R. 3858

Ms. Pryce

To extend the suspension of duty on certain diamond tool and drill blanks, and for other purposes.

June 3, 1994.

(See also S. 1323.)

103. H.R. 3910

Mr. Machtley

To suspend temporarily the duty on certain pigments.

June 21, 1994.

104. H.R. 3938

Mr. Jacobs

To provide duty-free privileges to participants in, and other individuals associated with, the 1994 World Rowing Championships.

June 3, 1994.

105. H.R. 3995

Mr. Coble

To suspend temporarily the duty on 5-Chloro-2-(2,4-dichlorophenoxy) phenol.

July 21, 1994.

(See also S. 1911.)

106. H.R. 3996

Mr. Crane

To suspend for the period January 1, 1994, to April 30, 1994, the duty on frozen onions.

June 21, 1994.

107. H.R. 4004

Mr. Tanner

A bill to suspend temporarily the duty on combination microwave convection ovens.

July 25, 1994.

108. H.R. 4016

Mr. Crane

To suspend temporarily the duty on octadecylisocyanate.

July 21, 1994.

(See also H.R. 2486.)

109. H.R. 4020

Mr. Hoekstra

To suspend temporarily the duty on ACM.

August 9, 1994.

(See also S. 1922.)

110. H.R. 4021

Mr. Hoekstra

To suspend temporarily the duty on amitraz.

June 21, 1994.

(See also S. 1921.)

111. H.R. 4023

Mr. Portman

To extend until June 30, 1995, the temporary suspension of duties on self-folding telescopic shaft collapsible umbrellas.

June 21, 1994.

(See also S. 1322.)

112. H.R. 4080

Ms. Kaptur

To suspend until January 1, 1998, the duty on di-pentaerythritol.

July 25, 1994.

113. H.R. 4098

Mr. Montgomery

To suspend through September 30, 1995, the duty on certain textile manufacturing machinery.

June 15, 1994.

(See also S. 2011.)

114. H.R. 4104

Mr. Holden

To suspend until January 1, 1996, the duty on certain chemicals.

June 21, 1994.

(See H.R. 2533.)

115. H.R. 4355

Mr. Gingrich

To suspend until January 1, 1998, the duty on fluvoxamine maleate.

September 6, 1994.

116. H.R. 4641

Mr. Sundquist

To restore the previous tariff treatment accorded to hand-cast string-drawn fishing nets.

September 20, 1994.

Reports Submitted to the Senate on Proposed Legislation

1. S. 640

Mr. Bradley

To suspend until January 1, 1995, the duty on Malathion.

October 27, 1993.

2. S. 699

Mr. Johnston

To extend certain existing temporary duty suspensions.

December 3, 1993.

3. S. 955

Mr. Danforth

To suspend temporarily the duty on sulfathiazole.

October 27, 1993.

4. S. 958

Mr. Danforth

To extend the temporary suspension of duty on O,O-dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl]phosphorodithioate.

October 29, 1993.

(See also H.R. 2045.)

5. S. 964

Mr. Danforth

To suspend temporarily the duty on sulfamethazine.

October 27, 1993.

6. **S. 1012**
Mr. Exon
To suspend temporarily the duty on 3,4,4'-trichlorocarbaniide.
October 27, 1993.
(See also H.R. 2314.)
7. **S. 1043**
Mr. Glenn
To extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.
October 27, 1993.
(See also H.R. 1098.)
8. **S. 1101**
Mr. Roth
To suspend temporarily the duty on (+)Methyl p-[2-hydroxy-3-(isopropylamino) propoxy] hydrocinnamate hydrochloride.
October 27, 1993.
9. **S. 1102**
Mr. Roth
To suspend temporarily the duty on 3-(a-acetylbenzyl)-4-hydroxycoumarin sodium salt.
October 27, 1993.
10. **S. 1104**
Mr. Roth
To suspend temporarily the duty on Triphenylmethyl chloride, Imidazole Intermediate, 1,3-Dihydroxyacetone, N-Chlorosuccinimide, Losartan (active), and COZAAR (Formulation).
October 22, 1993.
11. **S. 1152**
Mr. McConnell
To suspend temporarily the duties on certain chemicals.
December 3, 1993.
12. **S. 1153**
Mr. Simon
To suspend temporarily the duty on Tacrolimus in bulk or measured dose form subject to approval by the Food and Drug Administration.
October 29, 1993.
(See also H.R. 2279.)
13. **S. 1176**
Mr. Kohl
To clarify the tariff classification of certain plastic flat goods.
March 14, 1994.
(See also H.R. 1748.)
14. **S. 1211**
Mr. Brown
To extend the suspension of duties on certain glass fibers.
October 29, 1993.
(See also H.R. 1851.)
15. **S. 1219**
Mr. Coats
To extend the existing suspension of duty on chemical intermediate.
October 22, 1993.
16. **S. 1237**
Mr. Chafee
To extend the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof.
October 29, 1993.
(See also H.R. 2505.)
17. **S. 1238**
Mr. Chafee
To extend the temporary suspension of the duty on 1-chloro-5-hexanone.
October 29, 1993.
(See also H.R. 2280.)
18. **S. 1239**
Mr. Chafee
To extend the temporary suspension of the duty on theobromine.
October 29, 1993.
(See also H.R. 2280.)
19. **S. 1240**
Mr. Chafee
To extend the temporary suspension of the duty on lasamid.
October 29, 1993.
(See also H.R. 2280.)
20. **S. 1241**
Mr. Chafee
To extend the temporary suspension of the duty on N-acetylsulfanilyl chloride.
October 29, 1993.
(See also H.R. 2280.)
21. **S. 1242**
Mr. Chafee
To extend the temporary suspension of the duty on 4-chloro-2-nitroaniline.
October 29, 1993.
(See also H.R. 2384.)
22. **S. 1243**
Mr. Chafee
To extend the temporary suspension of the duty on chloramino base.
October 29, 1993.
23. **S. 1244**
Mr. Chafee
To extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate.
October 29, 1993.
24. **S. 1246**
Mr. Chafee
To extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide.
October 29, 1993.
(See also H.R. 2281.)
25. **S. 1289**
Mr. Helms
To suspend temporarily the duty on certain textile spinning machines.
December 8, 1993.
(See also H.R. 2920.)
26. **S. 1290**
Mr. Helms
To suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms).
October 29, 1993.
(See also H.R. 3280.)
27. **S. 1291**
Mr. Helms
To suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms).
October 29, 1993.
(See also H.R. 3518.)
28. **S. 1292**
Mr. Helms
To suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms).
October 29, 1993.
(See also H.R. 3279.)
29. **S. 1293**
Mr. Helms
To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms).
October 29, 1993.
(See also H.R. 3517.)
30. **S. 1294**
Mr. Helms
To suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms).
October 29, 1993.
(See also H.R. 3243.)
31. **S. 1305**
Mr. D'Amato
To clarify the tariff treatment of certain footwear.
October 29, 1993.

- 32. S. 1307**
Mr. D'Amato
To correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof.
February 18, 1994.
(See also H.R. 1473.)
- 33. S. 1308**
Mr. Durenberger
To suspend until January 1, 1995, the duty on certain machinery used to recycle mercury.
February 18, 1994.
(See also H.R. 2510.)
- 34. S. 1316**
Mr. Kerrey
To suspend temporarily the duty on tefluthrin.
October 22, 1993.
(See also H.R. 2165 and S. 594.)
- 35. S. 1321**
Mr. Glenn
To extend the temporary suspension of duty on umbrella frames.
October 22, 1993.
(See also H.R. 1626.)
- 36. S. 1322**
Mr. Glenn
To extend the suspension of duty on certain collapsible umbrellas.
December 3, 1993.
(See also H.R. 4023.)
- 37. S. 1323**
Mr. Glenn
To extend the suspension of duty on certain diamond tool and drill blanks, and for other purposes.
December 3, 1993.
(See also H.R. 3858.)
- 38. S. 1385**
Mr. Thurmond
To suspend temporarily the duty on polyamide resin.
October 29, 1993.
- 39. S. 1387**
Mr. Thurmond
To extend the temporary suspension of duty on 2,6-HNA.
October 29, 1993.
- 40. S. 1388**
Mr. Thurmond
To suspend temporarily the duty on certain chemicals.
October 29, 1993.
(See also H.R. 2007.)
- 41. S. 1389**
Mr. Thurmond
To suspend temporarily the duty on chloranil.
December 3, 1993.
(See also H.R. 2008.)
- 42. S. 1390**
Mr. Thurmond
To suspend temporarily the duty on 2,4-dinitroaniline.
December 3, 1993.
(See also H.R. 2011.)
- 43. S. 1391**
Mr. Thurmond
To suspend temporarily the duty on diazo-2,1,4-sulfonic acid and its salts.
December 3, 1993.
(See also H.R. 2006.)
- 44. S. 1392**
Mr. Thurmond
To extend the temporary suspension of duty on tetraamino biphenyl.
October 29, 1993.
(See also H.R. 1427.)
- 45. S. 1393**
Mr. Thurmond
To suspend temporarily the duty on Phospholan.
December 3, 1993.
(See also H.R. 2009.)
- 46. S. 1394**
Mr. Thurmond
To suspend temporarily the duty on acet-p-anisidine.
December 3, 1993.
(See also H.R. 2005.)
- 47. S. 1395**
Mr. Kohl
Relating to the tariff treatment of certain plastic flat goods.
March 14, 1994.
(See also H.R. 1748.)
- 48. S. 1433**
Mr. Bradley
To suspend temporarily the duty on 5-(N,N-dibenzylglycyl)-salicylamide, 2-[N-benzyl-N-tert-butylamino]-4'-hydroxy-3'-hydromethylacetophenone hydrochloride, flutamide, and loratadine.
October 22, 1993.
(See also H.R. 1590.)
- 49. S. 1434**
Mr. Bradley
To suspend temporarily the duty on certain chemicals.
November 19, 1993.
(See also H.R. 1745.)
- 50. S. 1435**
Mr. Bradley
To suspend temporarily the duty on certain chemicals.
October 27, 1993.
(See also H.R. 1070.)
- 51. S. 1436**
Mr. Bradley
To extend the suspension of duties on certain chemicals.
October 27, 1993.
(See also H.R. 1071.)
- 52. S. 1481**
Mr. Lautenberg
To extend the temporary suspension of duty on 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolinecarboxylic acid (norfloxacin).
February 18, 1994.
(See also H.R. 3054.)
- 53. S. 1482**
Mr. Lautenberg
To suspend temporarily the duty on Levodopa.
February 18, 1994.
(See also H.R. 3177.)
- 54. S. 1483**
Mr. Lautenberg
To extend the temporary suspension of duty on N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide monohydrochloride dihydrate.
June 21, 1994.
- 55. S. 1518**
Mr. Helms
To suspend temporarily the duty on Diquat Dibromide.
February 10, 1994.
(See also H.R. 2162.)
- 56. S. 1519**
Mr. Helms
To suspend temporarily the duty on lambda-cyhalothrin.
February 10, 1994.
(See also S. 1739.)
- 57. S. 1538**
Mr. Daschle
To make a technical correction with respect to the temporary duty suspension for clomiphene citrate.
February 18, 1994.
(See also H.R. 2362.)

- 58. S. 1705**
Mr. Wofford
To extend temporarily the suspension of duty on TFA Lys Pro in free base and tosyl salt forms.
March 14, 1994.
(See also H.R. 3055.)
- 59. S. 1706**
Mr. Wofford
To suspend temporarily the duty on certain chemicals.
March 15, 1994.
- 60. S. 1707**
Mr. Wofford
To suspend temporarily the duty on keto ester.
March 14, 1994.
(See also H.R. 3053.)
- 61. S. 1708**
Ms. Moseley-Braun
To renew the previously existing suspension of duty on parts of aircraft generators.
February 18, 1994.
(See also H.R. 1849.)
- 62. S. 1709**
Mr. Wofford
To suspend temporarily the duty on mounted closed circuit television lenses.
February 10, 1994.
(See also H.R. 1074.)
- 63. S. 1710**
Mr. Wofford
To extend temporarily the suspension of duty on certain chemicals.
February 10, 1994.
(See also H.R. 1288.)
- 64. S. 1711**
Mr. Wofford
To suspend temporarily the duty on certain chemicals.
February 18, 1994.
(See also H.R. 1287.)
- 65. S. 1730**
Mr. Thurmond
To suspend temporarily the duty on 3,4-Dimethylbenzaldehyde (3,4-DBAL).
March 14, 1994.
- 66. S. 1739**
Mr. Pryor
To suspend temporarily the duty on lambda-cyhalothrin.
February 10, 1994.
(See also H.R. 2164 and S. 1519.)
- 67. S. 1740**
Mr. Pryor
To suspend temporarily the duty on Diquat Dibromide.
February 10, 1994.
(See also H.R. 2162 and S. 1518.)
- 68. S. 1752**
Mr. Bradley
Amending the Harmonized Tariff Schedule.
April 29, 1994.
(See also H.R. 3428.)
- 69. S. 1753**
Mr. Bradley
Amending the Harmonized Tariff Schedule.
April 12, 1994.
(See also H.R. 3174.)
- 70. S. 1754**
Mr. Bradley
Regarding the suspension of duty on diflunisal.
April 21, 1994.
(See also H.R. 3176.)
- 71. S. 1837**
Mr. Riegle
To suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.
June 3, 1994.
(See also H.R. 2897.)
- 72. S. 1850**
Mr. Danforth
To suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid.
June 21, 1994.
(See also H.R. 3856.)
- 73. S. 1861**
Mr. Chafee
To suspend temporarily the duty on certain pigments.
June 21, 1994.
(See also H.R. 3910.)
- 74. S. 1896**
Mr. D'Amato
To suspend temporarily the duty on certain PVC rain slickers.
June 21, 1994.
- 75. S. 1911**
Mr. Helms
To suspend temporarily the duty on 5-Chloro-2-(2,4-dichlorophenoxy) phenol.
July 21, 1994.
(See also H.R. 3995.)
- 76. S. 1918**
Mr. Roth
To suspend temporarily the duty on cross-carmellose sodium.
June 21, 1994.
- 77. S. 1921**
Mr. Riegle
To suspend temporarily the duty on amitraz.
June 21, 1994.
(See also H.R. 4021.)
- 78. S. 1922**
Mr. Riegle
To suspend temporarily the duty on ACM.
August 9, 1994.
(See also H.R. 4020.)
- 79. S. 1931**
Mr. Lugar
To provide duty-free privileges to participants in, the 1994 World Rowing Championships.
June 21, 1994.
(See also H.R. 3938.)
- 80. S. 2011**
Mr. Cochran
To suspend temporarily the duty on certain textile-manufacturing machinery.
June 15, 1994.
(See also H.R. 4098.)
- 81. S. 2228**
Mr. Lott
To suspend temporarily the duty on certain textile-manufacturing machinery.
August 15, 1994.
(See also S. 2011.)

APPENDIX E

LITIGATION IN FISCAL YEAR 1994

Litigation Completed

Appeals Arising From Antidumping and Countervailing Duty Investigations

Bando Chemical Industries, Ltd. and Bando American Inc. v. United States, Appeal No. 94-1011 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit (Federal Circuit) upheld the Court of International Trade's (CIT's) affirmance after remand of the Commission's final affirmative determination in *Industrial Belts from Israel, Italy, Japan, Singapore, South Korea, Taiwan, the United Kingdom, and West Germany*, Investigations Nos. 731-TA-412-419 (final), [see USITC publication 2194 (May 1980)]. The CIT remanded the Commission's final affirmative antidumping determinations with respect to industrial belts from Italy and Japan for further explanation of views by one Commission-

er. After that explanation was filed, the CIT affirmed the remand affirmative determination, upholding the Commissioner's practice of determining whether the industry is a vulnerable condition, as well as his conclusion that on the facts of record stated foreign producers' capacity was not a limit on production increases. The Federal Circuit affirmed without opinion.

Chung Ling Co., Ltd; Supertex Knitting Co., Ltd; Bay Flower Knitting Co., Ltd; Bonanza Industries Co., Ltd; New Northern Knitting Co., Ltd; Oriental Knitting Co., Ltd; Chung Tai Industrial Co., Ltd; Modern Knitting Mills, Inc.; Taih Yung Enterprise Co., Ltd; and Chen HWA Knitting Factory, et al. v. U.S. International Trade Commission, Appeal No. 94-1028 (Court of Appeals for the Federal Circuit)

The CIT remanded the Commission's original affirmative determination in *Sweaters Wholly or in Chief Weight of Manmade Fibers*

from Hong Kong, the Republic of Korea, and Taiwan, Investigations Nos. 731-TA-448-450 (final), [see USITC publication 2312 (Sept. 1990)]. It held that the Commission's determination was not supported by substantial evidence because of an unresolved ambiguity in pricing information on which the Commission placed critical reliance and that the Commission had inadequately resolved issues concerning alleged interference with the investigation. On remand, the Commission reached a negative determination, which the CIT affirmed. While defendant-intervenor below challenged the CIT's original remand on appeal to the Federal Circuit, the Commission acknowledged the propriety of the CIT's remand concerning pricing data. The Federal Circuit issued a notice of judgment without opinion affirming the CIT.

Connecticut Steel Corporation, Co-Steel Raritan, Georgetown Steel Corporation, Keystone Steel Corporation & Wire Company, and

North Star Steel Texas, Inc., Court No. 93-07-00382 (Court of International Trade)

The CIT affirmed the Commission's preliminary negative injury determination in *Certain Steel Wire Rod From Trinidad & Tobago*, Investigation No. 731-TA-649 (preliminary), [see USITC publication 2647 (June 1993)]. The CIT emphasized that the Commission could conclude on the basis of the record as a whole that clear and convincing evidence supported a preliminary negative determination without each piece of evidence being clear and convincing.

In the Matter of Pure Magnesium and Alloy Magnesium from Canada, Secretariat File Nos. USA-92-1904-05/06 (U.S.-Canada Binational Panel)

A panel convened under chapter 19 of the U.S.-Canada Free-Trade Agreement remanded the Commission's final affirmative determination, which was based on a finding of one like product, in *Pure*

Magnesium and Alloy Magnesium from Canada, Investigations Nos. 701-TA-309 (final) and 731-TA-528 (final), [see USITC publication 2550 (Aug. 1992)]. On remand, the Commission found two like products (pure and alloy magnesium) and reached affirmative determinations on each like product [see USITC publication 2696 (Nov. 1993)], and the panel affirmed.

R-M Industries v. United States, Court No. 93-03-00184 (Court of International Trade)

In this appeal of the Commission's final negative determination in *Sulfanilic Acid from the Republic of Hungary*, Investigation No. 731-TA-560 (final), [see USITC publication 2603 (Feb. 1993)], the CIT remanded for further explanation of various Commissioners' views, particularly requesting their view of whether cumulation of imports recently subject to investigations that led to orders under title VII was an exercise of discretion or subject to the mandatory cumulation provision. The

Commission reached the same result after remand, stating, *inter alia*, that such "recent order" cumulation was discretionary, and, plaintiff not opposing the remand determination, the CIT affirmed the Commission's determination on remand without an opinion.

SAARSTAHL AG v. United States, Court No. 93-04-00219S (Court of International Trade)

The CIT affirmed the Commission's final affirmative determination in *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from Brazil, France, Germany, and the United Kingdom*, Investigations Nos. 731-TA-552-555 (final) and 701-TA-314-317 (final), [see USITC publication 2611 (Mar. 1993)]. The CIT held, *inter alia*, that the Commission acted properly in considering the effect of subject imports on the domestic industry's ability to raise capital and make investments over the investigative period.

Appeals Arising From Investigations Under Section 337 of the Tariff Act of 1930

No section 337 cases on appeal were decided in FY 1994.

Litigation Terminated

In addition to the cases discussed above, a number of cases were terminated during FY 1994 without final substantive decisions on the merits, including by court dismissal, voluntary dismissal by the plaintiff, or failure by the plaintiff to file a complaint after the service of a summons. Those cases are listed below.

Avesta Sheffield, Inc., Bristol Metals, Inc. Damascus-Bishop Tube Co., Trent Tube Division of Crucible Materials Corporation, and the United Steelworkers of America v. The United States, Court No. 94-04-00228 (Court of International Trade) (voluntary dismissal)

Plaintiffs appealed the Commission's final negative determination in *Welded Stainless Steel Pipe from Malaysia*, Investigation No. 731-TA-644 (final), [see USITC publication 2744 (1993)].

Ad Hoc Committee of Domestic Uranium Producers and the Oil, Chemical and Atomic Workers International Union v. United States, Court No. 93-10-00665 (Court of

International Trade) (voluntary dismissal)

The summons in this case challenged the Commission's final negative determination with respect to highly enriched uranium in *Uranium from Ukraine*, Investigation No. 731-TA-539-E (final), [see USITC publication 2669 (Aug. 1993)].

Altos Hornos de Mexico, S.A. de C.V. v. United States, Court No. 93-09-00626 (Court of International Trade) (dismissal for lack of prosecution)

Plaintiff failed to file a complaint perfecting its appeal of the affirmative determination in *Certain Flat-Rolled Carbon Steel Products from Mexico* (cut-to-length plate), Investigation No. 731-TA-582 (final), [see USITC publication 2664 (Aug. 1993)].

Co-Steel Raritan, Connecticut Steel Corp., Georgetown Steel, Keystone Steel & Wire Co., North Star Steel Texas, Inc. & Northwestern Steel & Wire Co. v. United States, Court No. 94-05-00263 (Court of International Trade) (voluntary dismissal)

This action appealed the Commission's final negative determination in *Certain Steel*

Wire Rod from Germany, Investigation No. 731-TA-687 (preliminary), [see USITC publication 2760 (Mar. 1994)].

Echjay Forgings Private Limited v. United States, Court No. 94-03-00157 (Court of International Trade) (voluntary dismissal)

This action challenged the Commission's final affirmative determination in *Certain Stainless Steel Flanges from India and Taiwan*, Investigations Nos. 731-TA-639 and 640 (final), [see USITC publication 2724 (Feb. 1994)].

Fried. Krupp AG Hoesch-Krupp, Krupp Hoesch Stahl AG and Krupp Steel Products, Inc. v. The United States, Court No. 93-09-00604 (Court of International Trade) (dismissal for lack of prosecution)

Plaintiffs failed to file a complaint perfecting their appeal of the affirmative determination in *Certain Flat-Rolled Carbon Steel Products from Germany* (corrosion-resistant), Investigation No. 731-TA-616 (final), [see USITC publication 2664 (Aug. 1993)].

Lehigh Portland Cement Company v. United States,

Court No. 94-06-00343 (Court of International Trade) (voluntary dismissal)

This action appealed the Commission's final negative determination in *Calcium Aluminate Cement and Cement Clinker from France*, Investigation No. 731-TA-645 (final), [see USITC publication 2772 (May 1994)].

MiniFIBERS, Inc. v. United States International Trade Commission, Case No. 2:94-CV-181 (U.S. District Court, Eastern District of Tennessee); CA No. 94-5688 (U.S. Court of Appeals for the Sixth Circuit) (appeal in action to quash administrative subpoena terminated after voluntary compliance)

Plaintiff's motion to quash seeking a response to the Commission's questionnaire in *Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands*, Investigation No. 731-TA-652 (final), [see USITC publication 2783 (June 1994)], was dismissed, and plaintiff's appeal to the Court of Appeals for the Sixth Circuit contested that dismissal.

Rubberflex Sdn. Bhd., Heveafil Sdn. Bhd., Filmax Sdn. Bhd., Rubfil Sdn. Bhd.,

Filati Lastex Eslatofibre v. United States International Trade Commission, Court No. 92-11-00741S (Court of International Trade) (voluntary dismissal)

This suit appealed the Commission's final affirmative determination in *Extruded Rubber Thread from Malaysia*, Investigation No. 731-TA-527 (final), [see USITC publication 2559 (Sept. 1992)].

Sandoz Chemicals Corporation v. The United States, The United States Department Of Commerce, and the United States International Trade Commission, Court No. 93-03-00178 (Court of International Trade) (voluntary dismissal)

After plaintiff's motion for immediate remand of the Commission's final negative injury determinations in *Sulfur Dyes from China, Hong Kong, India, and the United Kingdom*, Investigations Nos. 731-TA-548-551 (final), [see USITC publication 2602 (Feb. 1993)] was denied, the CIT granted a Stipulation of Dismissal.

Seagate Technology, Inc. v. United States International

Trade Commission, Appeal No. 94-1124 (Court of Appeals for the Federal Circuit) (dismissal for lack of jurisdiction)

The Federal Circuit granted the Commission's motion to dismiss as premature this appeal from the Commission's summary determinations on jurisdiction in *Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives*, Investigation No. 337-TA-350, [see USITC publication 2701 (Nov. 1993)].

SGS Thomson v. United States International Trade Commission, Appeals Nos. 93-1438, -1522, -1523, and -1549 (Court of Appeals for the Federal Circuit) (voluntary dismissal following settlement)

The consolidated appeals challenged the Commission's determinations in *Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus*, Investigation No. 337-TA-337, [see USITC publication 2670 (Aug. 1993)].

Smith Corona Corporation, Smith Corona (PTE) Ltd. v. United States and the United

States International Trade Commission, Court No. 93-11-00752 (Court of International Trade) (voluntary dismissal following settlement between the private parties)

This appeal challenged the Commission's final affirmative determination in *Portable Electric Typewriters from Singapore*, Investigation No. 731-TA-515 (final), [see USITC publication 2681 (Sept. 1993)].

Texas Instruments Incorporated v. United States International Trade Commission, Appeal No. 93-1529 (Court of Appeals for the Federal Circuit) (voluntary dismissal)

This action challenged aspects of the Commission's determination in *Certain Plastic Encapsulated Integrated Circuits*, Investigation No. 337-TA-315, [see USITC publication 2574 (Nov. 1992)].

United States International Trade Commission v. Mini-FIBERS, Inc., Misc. No. 94-159 (U.S. District Court for the District of Columbia); and Court No. 94-5144 (U.S. Court of Appeals for the District of Columbia) (subpoena

enforcement action terminated after voluntary compliance)

The Commission brought this action to enforce an administrative subpoena to obtain a response to the Commission's questionnaire in *Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands*, Investigation No. 731-TA-652 (final), [see USITC publication 2783 (June 1994)].

Wire Rope Importers Association v. United States, Appeal No. 94-1010 (Court of Appeals for the Federal Circuit) (dismissal for lack of prosecution)

The Federal Circuit dismissed this appeal by the Wire Rope Importers Association of the CIT's dismissal as untimely filed of its complaint challenging the Commission's final affirmative determination in *Steel Wire Rope from Korea and Mexico*, Investigations Nos. 731-TA-546 and 547 (final), [see USITC publication 2613 (Mar. 1993)] after appellant failed to file a brief.

Litigation Pending at the End of Fiscal Year 1994

Cases arising from antidumping and countervailing duty investigations ¹	24
Cases arising from section 337 determinations	6
Other litigation	1
Total	31

¹ All cases filed by different parties that have been consolidated by the court are counted only as a single piece of litigation. Thus, the actual number of complaints filed is greater than the number given above. In this year, for instance, 31 complaints in the CIT challenging various Commission determinations concerning flat-rolled carbon steel products were consolidated into four cases.

By comparison, at the end of FY 1993, there were 47 pending cases arising from antidumping and countervailing duty investigations, three arising from section 337 determinations, and three arising from other subjects, for a total of 53.

Commission and Executive Staff as of September 30, 1994

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Janet A. Nuzum, Vice Chairman
David B. Rohr
Don E. Newquist
Carol T. Crawford
Lynn M. Bragg

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END

10/26/95